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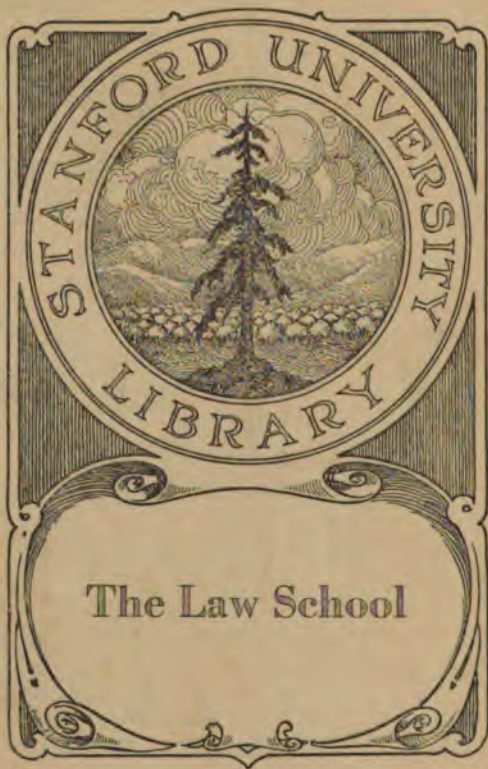
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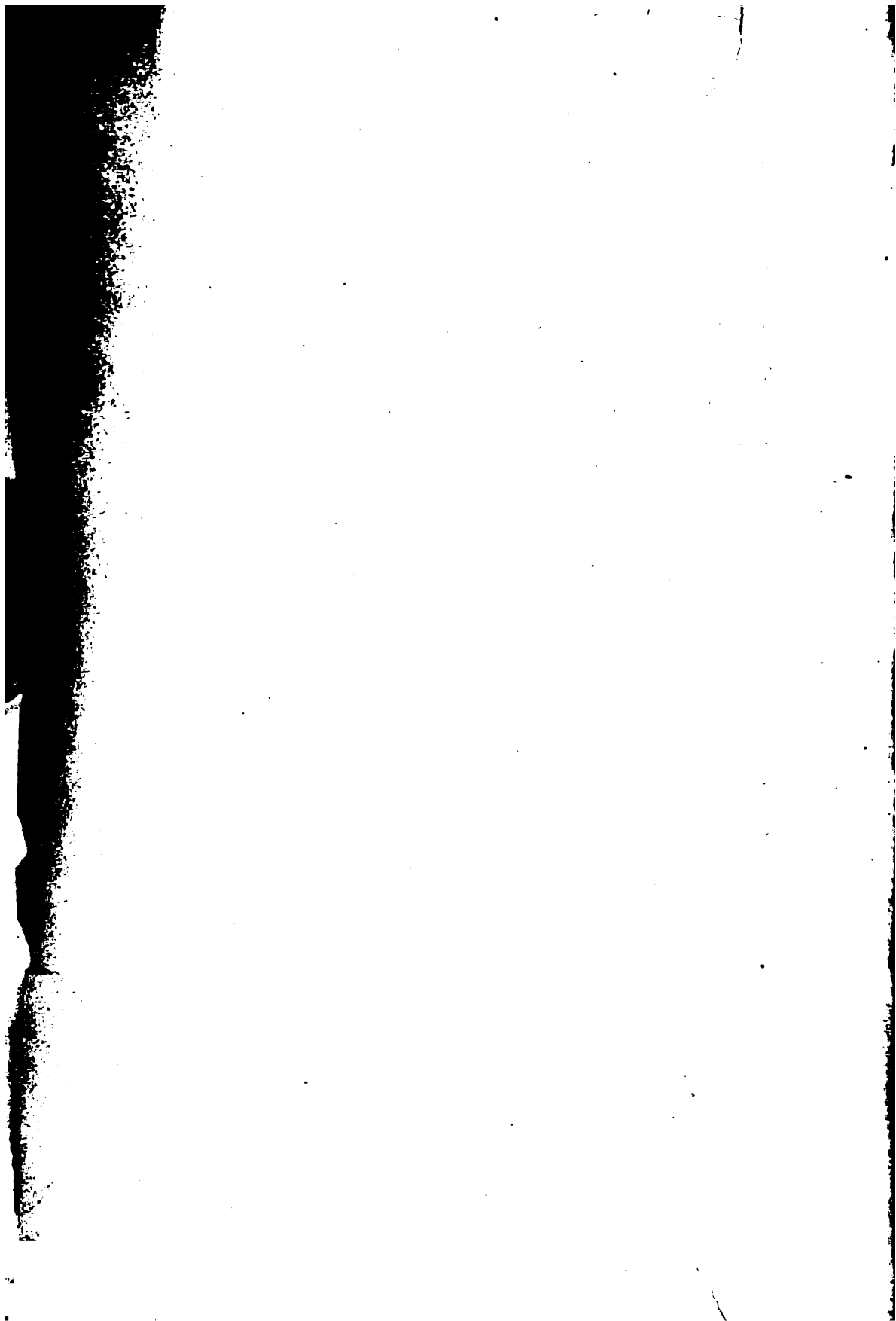
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Alto de la Cruz



THE STATE OF OHIO.

GENERAL ACTS

PASSED

AND

JOINT RESOLUTIONS

ADOPTED

BY THE

SEVENTIETH GENERAL ASSEMBLY,

AT ITS ADJOURNED SESSION,

Begun and Held in the City of Columbus, January 3, 1893.

VOLUME XC.

NORWALK, OHIO:
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GENERAL LAWS.

[House Bill No. 1005.]

AN ACT

Making appropriations for expenses of the general assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of fifty thousand dollars (\$50,000) for salaries and mileage of members, per diem of clerks, sergeants-at-arms, and other officers and employes of the general assembly; five hundred dollars (\$500) for contingent expenses of the house of representatives; and five hundred dollars (\$500) for contingent expenses of the senate.

Appropriation
for expenses
general assem-
bly.

SECTION 2. This act shall take effect and be in force from and after its passage.

L. C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 10, 1893.
1G

[House Bill No. 206.]

AN ACT

To amend sections 2568, 2572 and 2572a of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2568, 2572 and 2572a of the Revised Statutes be amended to read as follows:

Public halls,
etc.:

Sec. 2568. On application of the owner or person having control of an opera-house, hall, theater, church, school-house, hospital, medical institute, asylum, or other buildings used for public assemblages, in any municipal corporation, the mayor, civil engineer, and chief engineer of the fire department, or if such corporation has no such engineer, the mayor and two members of council, shall carefully make a joint examination of such opera-house, hall, theater, church, school-house, hospital, medical institute, asy-

Examination of
certain build-
ings as to safety
in case of fire.

Certificate in
certain case.

lum, or other building to ascertain the means provided thereat and therein for the speedy and safe egress of the persons that may at any time be there assembled, and the means provided for extinguishing a fire, at or in such place; provided, that when the assembly rooms of such church are situated upon the ground floor, with a sufficient number of low windows, to the opinion of the commission above provided for, to secure safe and yeas means of escape in case of alarm, they shall grant the certificate mentioned in the next following section.

Penalty against
owner or person
having control.

Sec. 2572. Whoever, being the owner or having control as an officer, agent, or otherwise, of any opera-house, hall, theater, church, school-house, hospital, medical institute, asylum, or other place, for the public assemblage of people, in a municipal corporation, permits it to be used when any door affording exit therefrom is locked or barred, or opens inwardly; when the place is not provided with ample means for the safe and speedy egress of the persons who may be there assembled; when, if it is on another than the first floor, sufficient water and proper means to apply it, or other efficient means are not provided in such place to extinguish any fire which may occur thereat; or when the certificate provided for in section twenty-five hundred and sixty-nine or section twenty-five hundred and seventy, as the case may be, has not been issued, or is not in full force, shall, for each day or night he permits such place to be so used or occupied, forfeit or pay any sum not more than one thousand dollars, nor less than fifty dollars, to be recovered with costs, in a civil action, in the name and for the use of the municipal corporation; and it shall be the duty of the mayor, with the aid of the police to see that the provisions of this section are strictly enforced.

Duty of mayor
and police.

Inspections and
certificates dis-
pensed with in
certain cases.

Sec. 2572a. That whenever any structure referred to in section 2572 shall have been inspected by the state inspector of shops and factories, and such inspector shall have issued to the owner thereof or his agent, a certificate that such structure is properly arranged for the safe and speedy egress of persons who may be assembled therein, and also properly provided with means for the extinguishment of fire at or in such structure, as now required by law, then such certificate shall dispense with all other inspections and certificates required by law in regard to the safety of such structures for public assemblages; and in case such inspector shall find on inspection that such structure is not properly arranged for the safe and speedy egress of persons who may be there assembled, or not properly provided with means for the extinguishment of fire at or in such structure, as now required by law, or that such structure is such as to endanger the lives of the persons who may be there assembled, from fire or other cause, he shall notify the owner, officer or agent in charge of such structure and the mayor of the municipal corporation wherein the same is located, in writing, of the fact that he refuses such certificate,

Notices of re-
fusal of certifi-
cate.

specifying his reasons and the alterations, additions and appliances necessary to be made and furnished before a certificate will be issued; and no certificate required by law, in regard to the safety of such structure, shall be issued by the mayor or any officer or person under any provision of the law till the requirements of the foregoing notice are complied with to the satisfaction of the state inspector, and it shall be the duty of the mayor of any municipality, with the aid of the police, upon receiving such notification, to prohibit the use of such buildings for the public assemblage of people until the necessary changes, alterations and additions have been made and the inspector's certificate has been issued.

Requirements
for issuance of
certificate.

Prohibition of
use of build-
ings.

SECTION 2. That the original sections 2568, 2572 and 2572a of the Revised Statutes be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

L. C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 11, 1893.

2G

[House Bill No. 982]

AN ACT

To supplement section 2289 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2289 of the Revised Statutes be and the same is hereby supplemented with sectional numbering as follows:

Assessments:

Sec. 2289a. The collection of any assessment heretofore levied or ordered to be levied to pay for the appropriation of private property to open, widen or extend any street, alley or other public highway, heretofore appropriated and paid for, or for the improvement of any street, alley or other public highway, heretofore improved, or for the construction of public sewers, heretofore constructed, shall not be perpetually enjoined or declared void in consequence of any error or any informality in the manner of the passage of the ordinance for such appropriation of private property, or for the improvement of any such street, alley or other public highway, or for the construction of public sewers, by the council or common council or other public authorities of any municipal corporation in failing to properly suspend the rule prescribed by section 1694 of the Revised Statutes requiring ordinances of a permanent or general nature to be fully and distinctly read on three different days, or in suspending the said rule as to two or more of such ordinances upon one and the same vote, or putting two or more of such ordi-

Validity of as-
sessments cre-
ated by ordi-
nances errone-
ously or inform-
ally passed.

nances upon their passage without a separation, and upon one and the same roll-call of the yeas and nays, and upon one and the same vote passing two or more of such ordinances. But the court in which any proceeding is now pending to enjoin the collection of any such assessment, or the levying of any such assessment to pay for such appropriation of private property, or for the improvement of streets, alleys, or other public highways, or for the construction of public sewers, or the court in which such proceeding may hereafter be brought, shall allow the property owner bringing such proceeding as plaintiff to show wherein he has been injured, if at all, by reason of such suspension of the said rule, or of such passage of such ordinances in the manner complained of, and if no injury was done to such plaintiff thereby the said court shall permit and order said assessment to stand against said property as levied. Or if injury to such plaintiff is shown, nevertheless, upon satisfactory proof that expense has been incurred by the municipal corporation which is a proper charge against the owner of the abutting property or lot or parcel of land in question, the court shall render judgment for the amount properly chargeable against such owner or on such lot or land, but in all such cases the court shall make such order for the payment of the costs as may be deemed equitable and proper.

Levy of assessment or reassessment.

Sec. 22896. Whenever any ordinance for the appropriation of private property to open, widen or extend any street, alley or other public highway, heretofore appropriated and paid for, or for the improvement of any street, alley or other public highway heretofore improved, or for the construction of public sewers heretofore constructed, has been heretofore passed by the council or common council or other public authorities of any municipal corporation and the proceedings are irregular by reason of the fact that the statutory rule prescribed by section 1694 of the Revised Statutes that such ordinances should be fully and distinctly read on three different days was improperly suspended or dispensed with, or that the said rule was suspended or dispensed with as to two or more of such ordinances upon one and the same vote, or that two or more of such ordinances were put upon their final passage without a separation thereof and upon one and the same roll-call of the yeas and nays, or that two or more of such ordinances were declared passed upon one and the same vote and upon one and the same roll-call, the council or other board having authority to levy assessments to pay for such appropriation of property and improvements may nevertheless levy an assessment or reassessment for the cost of such appropriation or improvement, and the court in any proceeding to collect or contest such assessment or reassessment shall render judgment for the amount properly chargeable against the owner or against the lot or land, and in such case the court may make such order for the payment of the costs as may be deemed equitable and proper.

SECTION 2. This act shall take effect and be in force from and after its passage.

L. C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 11, 1893.

4G

[House Bill No. 997.]

AN ACT

To change the name of John Edward Stair to John Edward Parke.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of John Edward Stair, a resident of West Mecca, Trumbull county, be and the same is hereby changed to John Edward Parke. Changing name of John Edward Stair.

SECTION 2. This act shall take effect from and after its passage.

L. C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 11, 1893.

4½G

[House Bill No. 1027.]

AN ACT

To provide payment, per diem, and expenses of electoral college.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be, and hereby is appropriated out of any money in the state treasury to the credit of the general revenue fund not otherwise appropriated, to pay expenses and per diem of the electoral college, one thousand dollars (\$1,000). This appropriation to be paid out agreeable to section 2976, R. S. Appropriation for expenses electoral college.

SECTION 2. This act to take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 17, 1893.

6G

[Senate Bill No. 240.]

AN ACT

To encourage the breeding and improvement of trotting, running and pacing horses; for the prevention and punishment of fraudulent entries and practices in contests of speed, prescribing penalties therefor, and declaring an emergency, and to repeal an act entitled, "An act to encourage the breeding and improvement of trotting and pacing horses; for the prevention and punishment of fraudulent entries and practices in contests of speed, prescribing penalties therefor," passed May 4, 1891 (O. L. 1891, vol. 88, pp. 547 and 548).

Fraudulent
entry of horse
in contest of
speed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in order to encourage the breeding of, and improvement in trotting, running and pacing horses in the state of Ohio, it is hereby made unlawful for any person or persons, knowingly to enter or cause to be entered for competition, or to compete for any purse, prize, premium, stake or sweepstakes offered or given by any agricultural or other society, association, or person or persons in the state of Ohio, any horse, mare, gelding, colt or filly under an assumed name or out of its proper class where such prize, purse, premium, stake or sweepstake is to be decided by a contest of speed.

Penalty.

SECTION 2. That any person or persons found guilty of a violation of section 1 of this act shall, upon conviction thereof, be imprisoned in the Ohio penitentiary for a period of not less than one year nor more than three years.

Change of name
for purpose of
entry.

SECTION 3. That the name of any horse, mare, gelding, colt or filly for the purpose of entry for competition in any contest of speed, shall not be changed after once having contested for a prize, purse, premium, stake or sweepstakes, except as provided by the code of printed rules of the society or association under which the contest is advertised to be conducted.

Determination
of class for pur-
pose of entry.

SECTION 4. The class to which a horse belongs for the purpose of an entry in any such contest of speed shall be determined by the public performance of said horse in said former contest or trial of speed, as provided by the printed rules of the society or association under which the proposed contest is advertised to be conducted.

Penalty for
cheating by
false pretense.

SECTION 5. Whoever, for the purpose of competing for purses or premiums, knowingly and designedly enters or drives any horse, gelding, mare, colt or filly that shall have been painted or disguised, or represents any other or different horse, gelding, mare, colt or filly from the one which is purported to be entered, or shall, knowingly and designedly, for the purpose of competing for purses or premiums, enter or drive a horse, gelding, mare, colt or filly in a class to which it does not properly belong, shall be deemed guilty of cheating by false pretense and shall be punished by fine and imprisonment as provided in section 2 of this act.

SECTION 6. Any person or persons knowingly misrepresenting or fraudulently concealing the public performance in any former contest or trial of speed, [of] any horse, gelding, mare, colt or filly which he or they propose to enter for competition in any such contest, shall, upon conviction thereof, be liable to the same punishment as is provided in section 2 of this act, whether he or they shall succeed in making said entry or not.

Penalty for misrepresentation or fraudulent concealment.

SECTION 7. The act passed May 4, 1891 (vol. 88, page 547), is hereby repealed and this act shall take effect from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 18, 1893.

7G

[Senate Bill No. 350.]

AN ACT

To change the name of Ella J. Hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Ella J. Hall, a resident of Morgansville, Morgan county, Ohio, be and the same is hereby changed to Ella J. Cifton.

Changing name of Ella J. Hall.

SECTION 2. Said change shall in no way affect the rights, privileges [and] liabilities of the person herein named.

Effect of change.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 18, 1893.

7½G

[House Bill No. 699.]

AN ACT

To provide for the payment of certain ex-members of the 116th battalion, Ohio national guard.

WHEREAS, N. L. Baker, Joseph Fox, C. C. Myers, Wilson Stewart, John Myers, William Stewart, James Lewman and Levi White were members of Co. D, 116th battalion, Ohio national guard, and that on the 19th day of July, 1863, they were called to active duty, for which service, being from the 19th day of July, 1863, to the 28th day of July, 1863, inclusive, the members named never received any pay,

Preamble.

as is shown by the records of the adjutant-general's office; therefore,

Appropriation
for ex-members
O. N. G.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be appropriated out of any money not otherwise appropriated the sum of \$44.00, being the amount due these men, at the rate of fifty-five cents per day, from the 19th day of July, 1863, to the 28th day of July, 1863, inclusive; and the auditor of state is hereby authorized and directed to draw his warrant for the above amounts.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 19, 1893.

8G

[House Bill No. 1009.]

AN ACT

To amend "An act providing for the payment by the outgoing secretary of state to his successor of certain sums of money in litigation," passed April 15th, 1892 (O. L. 89, p. 322).

Secretary of
state:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act passed April 15, 1892, entitled "An act providing for the payment by the outgoing secretary of state to his successor of certain sums of money in litigation," be amended so as to read as follows:

Preamble.

WHEREAS, Hon. Daniel J. Ryan has resigned the office of secretary of state, and is about to be succeeded by Hon. C. L. Poorman, appointed to fill the vacancy thus occasioned; and

WHEREAS, There is now in the hands of the outgoing secretary of state the sum of \$175,529.30, money paid him for official services in accordance with the provisions of section 148a of the Revised Statutes, which he has been enjoined from paying into the state treasury, pending the determination of various suits brought by the parties paying such fees to recover back the same on the ground that they were illegally and unconstitutionally exacted; therefore,

Custody of fees
in litigation
collected by out-
going secretary
of state.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the outgoing secretary of state, and each succeeding outgoing secretary of state, is hereby authorized and required to pay over to his successor in office, all sums of money in his hands which have been paid him, or his predecessor in office, for official services, and which he or his predecessor, have been enjoined from paying into the state treasury, pending the determination of any suit or suits brought by parties paying such fees to recover

back the same on the ground that they were illegally and unconstitutionally exacted; for which the incoming secretary of state shall give duplicate receipts, one of which duplicate receipts shall be filed with the auditor of state. Upon the paying over of such money, and the taking and filing with the auditor of state of a receipt for the same, the outgoing secretary of state shall be released and discharged from all responsibility or liability, either to the state of Ohio, or to the parties paying such fees, growing out of the collection, the receipt, or the custody of the same. It shall be the duty of the incoming secretary of state to receive the sums of money aforesaid, and to give duplicate receipts for the same, and safely keep said sums of money, pending the final determination of the suits brought to recover back the same, and upon the final determination of each suit, he shall pay the money involved therein either into the state treasury or back to the parties originally paying it, if the court so adjudge and order. The bond of the incoming secretary of state shall be held and deemed to be conditioned for the faithful performance of the above duties with regard to the custody of the said money and the disposition of the same, and the sureties on such bond shall be bound and obligated therefor.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 19, 1893.

10G

[Senate Bill No. 348.]

AN ACT

To amend section 7913—41 of the Revised Statutes, relating to children's homes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 7913—41 be so amended as to read as follows:

Sec. 7913—41. That in any county in the state of Ohio, where there now is or hereafter may be an incorporated "children's aid society," or "children's home," or "industrial school," or "industrial school home," or any other incorporated society, whose object is the care, aid and education of neglected or destitute children, the county commissioners of such county, or the city council of any city or cities in such county, in addition to the powers now conferred upon such commissioners or city council, are hereby authorized, if they deem it judicious to aid any such institution to purchase land, erect buildings, either by sub-

Children's
homes:

Aid of children's homes by county commissioners or city councils.

scription with others to raise a fund for that purpose, by direct aid or donation, or otherwise, in amount not exceeding six thousand dollars, as they may deem expedient.

Repeals, etc.

SECTION 2. Said original section 7913—41 is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 24, 1893.

11G

[House Bill No. 241.]

AN ACT

To amend section 6005 of the Revised Statutes of Ohio.

Executors and administrators:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6005 of the Revised Statutes of Ohio, as amended May 2, 1885, be so amended as to read as follows:

Granting of letters of administration.

Sec. 6005. Administration of the estate of an intestate shall be granted to some one or more of the persons hereinafter mentioned; who shall be residents of this state, and they be respectively entitled thereto in the following order, to wit:

First—The husband or widow of the deceased.

Second—One or more of the next of kin of the deceased; providing, however, the probate court may grant letters of administration jointly to the husband or widow and one or more of such next of kin, and upon failure of the person or persons so entitled to administer the estate to voluntarily either take or renounce such administration, they shall, if resident within the county, be cited by the court for that purpose.

Third—If the persons so entitled to administration are incompetent, or evidently unsuitable for the discharge of the trust, or if they neglect, without any sufficient cause, to take administration of the estate, the court shall commit it to one or more of the principal creditors, if there be any competent and willing to undertake the trust.

Fourth—If there be no such creditor, and the court is satisfied the estate exceeds the value of one hundred dollars, the court shall commit administration to such other person as it shall think fit; provided, however, that letters of administration shall not be issued upon the estate of an intestate until the person to be appointed has made and filed an affidavit that there is not, to his knowledge, any last will and testament of the alleged intestate; provided, further, that every person, before being appointed executor or administrator, shall make and file an application under oath,

which shall contain the names of husband or widow, and all the next of kin of the deceased to such person known, their post-office address if known, and also a statement in general terms as to what the estate consists of, and the probable value thereof; and also provided that no person who resides out of the state shall be appointed such administrator, unless said person is husband, widow or next of kin of the deceased, as provided in the first paragraph of this section.

SECTION 2. That said section 6005 of the Revised Statutes of Ohio, as amended May 2, 1885 (see Ohio laws, volume 82, page 223), be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed January 26, 1893.

12G

[House Bill No. 613.]

AN ACT

To amend section 356 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 356 of the Revised Statutes be so amended to read as follows: State commissioner of common schools:

Sec. 356. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the state, at which he shall give attendance not less than ten months in each year, except when absent on public duty; and he shall not, while holding the office of state commissioner of common schools, perform the duties of teacher or superintendent of any public or private school, or be employed as teacher in any college, or hold any other office or position of emolument. Books and papers; office, and attendance thereat; prohibitions.

SECTION 2. That original section 356 of the Revised Statutes is hereby repealed, and this act shall take effect on its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed January 26, 1893.

13G

[House Bill No. 1053.]

AN ACT

Making appropriation for the deaf and dumb institution to purchase lumber and nails for boxes.

Appropriation
for lumber and
nails for boxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and hereby is appropriated out of any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of two hundred (\$200) dollars, for the institution for deaf and dumb to purchase lumber and nails for boxes.

SECTION 2. This act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed January 26, 1893.

14G

[House Bill No. 1059.]

AN ACT

To pay certain liabilities contracted by the state board of health.

Appropriation
for liabilities
state board of
health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund, and not otherwise appropriated, the sum of five thousand one hundred and ninety dollars and ten cents (\$5,190.10) to pay certain liabilities contracted by the state board of health.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed January 26, 1893.

15G

[House Bill No. 219.]

AN ACT

Imposing a collateral-inheritance tax.

Property liable
to tax for use of
state; liability
for payment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all property within the jurisdiction of this state, and any interest therein, whether belonging to inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the intestate laws of this state, or by deed, grant, sale, or gift made or intended

to take effect in possession or enjoyment after the death of the grantor, to any person in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, the husband of the daughter of a decedent, shall be liable to a tax of three and one-half per centum of its value, above the sum of ten thousand dollars, for the use of the state, and all administrators, executors, and trustees, and any such grantee under a conveyance made during the grantor's life shall be liable for all such taxes, with lawful interest as hereinafter provided, until the same shall have been paid as hereinafter directed.

SECTION 2. When any person shall bequeath or devise any property to or for the use of father, mother, husband, wife, brother, sister, niece, nephew, lineal descendant, and adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter during life or for a term of years, and the remainder to a collateral heir, or to a stranger to the blood, the value of the prior estate shall, within sixty days after the death of the testator, be appraised in the manner hereinafter provided, and deducted, together with the sum of ten thousand dollars, from the appraised value of such property, and the tax on the remainder shall be payable one year from the death of said testator, and, together with any interest that may accrue on the same, be and remain a lien on said property till paid to the state.

Appraisal and deduction of property not liable to tax; tax on remainder.

SECTION 3. Whenever a decedent appoints one or more executors or trustees, and in lieu of their allowance makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court of probate having jurisdiction of their accounts shall fix such compensation.

Excess over reasonable compensation to executor, trustee or residuary legatee liable to tax.

SECTION 4. All taxes imposed by this act shall be paid into the county treasury of the county in which the court having jurisdiction of the estate or accounts is situated, by the executors, administrators or trustees within one year from the death of said testator, or intestate, or the qualification of said trustees; and if the same are not so paid, interest at the rate of six per centum shall be charged and collected thereon from the time said tax became due.

Payment of tax into county treasury; interest on unpaid.

SECTION 5. Any administrator, executor, or trustee, having in charge or trust any property subject to such tax, shall deduct the tax therefrom, or shall collect the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

Deduction or collection of tax by administrator, executor or trustee.

Deduction and payment of tax upon legacy payable out of real estate; enforcement of payment.

SECTION 6. Whenever any legacies subject to said tax shall be charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator, or trustee, and the same shall remain a charge upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, or trustee, in the same manner as the payment of the legacy itself could be enforced.

Retention or collection of tax upon legacy given for limited period.

SECTION 7. If any such legacy be given in money to any person for a limited period, such administrator, executor or trustee shall retain the tax on the whole amount; but if it be not in money, he shall make an application to the court having jurisdiction of his accounts to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatee on account of said tax and for such further order as the case may require.

Sale of property for payment of tax.

SECTION 8. All administrators, executors and trustees shall have power to sell so much of the estate of the deceased as will enable them to pay said tax in the same manner as they may be empowered to do for the payment of his debts.

Delivery of copy of inventory or part of estate subject to tax to county auditor; certification to county treasurer; collection and payment of tax into state treasury.

SECTION 9. Within ten days after the filing of the inventory of every such estate, any part of which may be subject to a tax under the provisions of this act, the judge or the court of probate in which such inventory is filed shall make and deliver to the county auditor of any such county, a copy of such inventory, or, if the same can be conveniently separated, a copy of such part of such estate with the appraisal thereof; the county auditor shall certify the value of said estate subject to taxation hereunder and the amount of taxes due therefrom to the county treasurer, who shall collect and pay the same into the state treasury, to the credit of the general revenue fund, at the time of making his semi-annual settlement.

Information to be furnished probate judge by executor, administrator or trustee.

SECTION 10. Whenever any of the real estate of a decedent shall so pass to another person as to become subject to said tax, the executor, administrator or trustee of the decedent shall inform the probate judge thereof within six months after he has assumed the duties of his trust, or if the fact is not known to him within that time, then within one month from the time that it does become so known to him.

Refundment of tax.

SECTION 11. Whenever for any reason the devisee, legatee or heir who has paid any such tax shall refund any portion of the property on which it was paid, or it shall be judicially determined that the whole or any [part of] such tax ought not to have been paid, said tax, or the due proportional part of said tax, shall be paid back to him by the executor, administrator or trustee.

Valuation of property subject to tax; fees of appraisers.

SECTION 12. The value of such property as may be subject to said tax shall be its actual market value as found by the court of probate; but the state, through the prosecuting attorney of the proper county, or any person inter-

vested in the succession to said property, may apply to the court of probate having jurisdiction of the estate; and on such application the court shall appoint three disinterested persons, who, being first sworn, shall view and appraise such property at its actual market value for the purposes of said tax, and shall make return thereof to said court, which return may be accepted by said court in the same manner as the original inventory of such estate is accepted, and if so accepted it shall be binding upon the person by whom this tax is to be paid, and upon the state. The fees of the appraisers shall be, fixed by the judge of probate and paid out of the county treasury upon the warrant of the county auditor. In case of an annuity or life estate, the value thereof shall be determined by the so-called actuaries' combined experience tables and five per centum compound interest.

SECTION 13. The court of probate, having either principal or auxiliary jurisdiction of the settlement of the estate of the decedent, shall have jurisdiction to hear and determine all questions in relation to said tax that may arise, affecting any devise, legacy or inheritance under this act, subject to appeal as in other cases, and the prosecuting attorney shall represent the interests of the state in any such proceedings.

Jurisdiction of probate court; prosecuting attorney to represent state.

SECTION 14. The judge of each probate court shall, as often as once in six months, render to the county auditor a statement of the property within the jurisdiction of his court that has become subject to said tax during such period, the number and amount of such taxes as will accrue during the next six months, so far as the same can be determined from the probate records, and the number and amount of such taxes as are due and unpaid.

Semi-annual statement of probate judge.

SECTION 15. The fees of all officers having duties to perform under the provisions of this act, shall be paid by the county and shall be the same as now allowed by law for similar services; in the calculation of amounts due the state, the cost of collection and other necessary and legitimate expenses incurred by the county in the collection of such taxes shall be charged to the state and deducted from the amount of taxes to be paid into the state treasury.

Fees of officers; costs chargeable to state.

SECTION 16. No final settlement of the account of any executor, administrator or trustee shall be accepted or allowed by the court of probate unless it shall show, and the judge of said court shall find, that all taxes imposed by the provisions of this act upon any property or interest therein, belonging to the estate to be settled by said account, shall have been paid; and the receipt of the county treasurer shall be the proper voucher for such payment.

Acceptance or allowance of final settlement of account contingent upon payment of tax; voucher for payment.

SECTION 17. In the foregoing act the word "person" shall be construed to include the plural as well as the singular, and artificial as well as natural persons; the word "property" shall be construed to include both real and personal

"Person" and "property" construed.

estate, and any form of interest therein whatsoever, including annuities.

SECTION 18. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 27, 1893.

17G

[House Bill No. 913.]

AN ACT

To provide for the payment of the expenses of W. H. Rowlen, contestant in the Rowlen-Weybrecht contest for the office of representative from Stark county in the 70th general assembly.

Appropriation
for W. H. Row-
len.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be paid W. H. Rowlen the sum of six hundred fifteen and $\frac{55}{100}$ dollars (\$615.55) out of any funds in the treasury, not otherwise appropriated, for the purpose of defraying the costs of aforesaid W. H. Rowlen in the contested election case of Rowlen against Weybrecht for representative from Stark county; and the auditor of state is hereby directed to draw his warrant on the treasurer of state in favor of said Rowlen for said amount.

SECTION 2. This act shall take effect on and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 27, 1893.

18G

[House Bill No. 1105.]

AN ACT

To change the name of Effie May Cadnum to Effie May Benbow.

Changing name
of Effie May
Cadnum.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Effie May Cadnum, a resident of Cuyahoga county, be and the same is hereby changed to Effie May Benbow.

SECTION 2. This act shall be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed January 30, 1893.

21G

[Senate Bill No. 65.]

AN ACT

To provide for the construction of pounds in incorporated villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the council of any incorporated village may procure or construct an inclosure or pound wherein animals taken up within the said incorporated village, under the provisions of sections 4207 and 1692 of the Revised Statutes, may be confined, and like notices shall be given and like proceedings shall be had in such case as are required by section 4207, Revised Statutes; and the council may appropriate from the general fund of such incorporated village an amount not exceeding one hundred dollars for said purpose.

Pounds in incorporated villages.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed January 31, 1893.

22G

[House Bill No. 392.]

AN ACT

To amend section 2276 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2276 of the Revised Statutes be and the same is hereby amended to read as follows:

Assessments:

Sec. 2276. When the whole or any portion of an improvement authorized by this title passes by or through a public wharf, market-space, park, cemetery, structure for the fire-department, water-works, school-building, infirmary, market-building, work-house, hospital, house of refuge, gas-works, public prison or any other public structure or public grounds within and belonging to the corporation, the council may authorize the proper proportion of the estimated costs and expenses of the improvement to be certified by the clerk of the corporation to the county auditor, and entered upon the tax list of all the taxable real and personal property in the corporation, and the same shall be collected as other taxes; provided, that in cities of the second grade of the first class, and in cities of the first grade of the second class the special assessment for such improvements or other assessments in such cities of the first grade of the second class, levied and assessed according to law, shall be paid from the fund of the department controlling the lots or lands assessed or through or by which the improvement passes.

Assessment on property of the corporation.

Cleveland and Columbus.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed January 31, 1893.

23G

[House Bill No. 658.]

AN ACT

To amend section one (1) of an act entitled "An act to prevent railroad companies from employing inexperienced conductors," as passed April 17, 1891 (88 O. L., p. 320).

Railroad companies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one (1) of an act entitled "An act to prevent railroad companies from employing inexperienced conductors," as passed April 17, 1891, be amended so as to read as follows:

Requirements as to qualifications of conductors, locomotive engineers and flagmen:

Sec. 1. That it shall be unlawful for any railroad company or corporation running or operating a steam railroad in the state of Ohio, thirty miles in length or more, and the same having been run and operated for three years or more, to employ any person in the capacity of conductor of passenger train or trains, unless such person has had at least two years' experience in the position of conductor of either passenger, freight or construction train, within six years next preceding the time of such employment. It shall also be unlawful for any such railroad company or corporation to employ any person in the capacity of freight conductor, or conductor of a construction train, unless such person has had at least two years' previous experience as conductor, for a term of two years, or has been employed as a brakeman for at least two years on either passenger, freight or construction trains within five years next preceding the time of such employment. It shall be unlawful for any such railroad company to employ any person in the capacity of locomotive engineer unless such person has had at least three years' experience as locomotive fireman. It shall be unlawful for any such railroad company to employ any person in the capacity of flagman of any train or trains, unless such person shall have had at least two years' experience as a brakeman on passenger, freight or construction trains, within five years next preceding the time of such employment; and all persons employed in the capacity of flagmen of either freight, passenger or construction trains, shall be held equally responsible with the conductor for any injury resulting from any act of negligence or carelessness of such flagman while in the discharge of his duty. But nothing in this act shall be so construed as to prevent any such railroad company or corporation from retain-

Responsibility of flagmen.

Retention of present employees.

ing conductors, engineers or flagmen in its employ at the time of its passage.

SECTION 2. That said original section one (1), passed April 17, 1891, be and the same is hereby repealed; and this act shall take effect on and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed January 31, 1893.

24G

[House Bill No. 1047.]

AN ACT

To change the name of Cecil Calvert Norman, of Muskingum county, Ohio, to Cecil Calvert Taylor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Cecil Calvert Norman, a resident of Roseville, Muskingum county, Ohio, be and the same is hereby changed to Cecil Calvert Taylor. Changing name of Cecil Calvert Norman.

SECTION 2. That said change shall in no way affect the rights, privileges or liabilities of said person. Effect of change.

SECTION 3. That this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 1, 1893.

28G

[House Bill No. 1025.]

AN ACT

To amend sections 426 and 436 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 426 and 436 of the Revised Statutes of Ohio be amended so as to read as follows: Supreme court:

Sec. 426. The court shall appoint a reporter for such term as it deems advisable, not exceeding three years, which term shall commence on the ninth day of February, 1893; and before entering upon the discharge of his duties he shall give bond to the state, with sureties approved by the chief justice, in the sum of five thousand dollars, conditional for the faithful discharge of his duties; which bond, with said approval and his oath of office indorsed thereon, shall be filed with the secretary of state. Reporter: appointment, term and bond.

Copyright for
reports; re-
porter's com-
pensation.

Sec. 436. The reporter shall secure a copyright for the use of the state, for each volume of the reports so published; and he shall receive as compensation for his services, a sum not exceeding fifteen hundred dollars yearly, payable out of the state treasury, and in such instalments as the supreme court, by order entered on its journal, directs.

Repeals.

SECTION 2. That said sections 426 and 436 of the Revised Statutes be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 2, 1893.

29G

[Senate Bill No. 355.]

AN ACT

To amend section 67 of the Revised Statutes.

Legislative:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 67 of the Revised Statutes be amended so as to read as follows:

Printing, bind-
ing and distrib-
ution of the laws
and joint reso-
lutions.

Sec. 67. There shall be printed thirty thousand copies of the general laws and joint resolutions; and all the general laws and joint resolutions shall be printed in one volume. Three thousand copies shall be printed in forms of sixteen pages, as soon as practicable after enactment, ten copies of which shall be delivered promptly to each member of the general assembly, and the balance sent by the secretary of state, pro rata, according to population, to the auditors of the several counties. The remainder (twenty-seven thousand) shall be bound in half-law binding, and distributed as provided by law. It shall be the duty of the public printer to see that these laws are printed and bound ready for distribution in advance of other matter. The local laws, including those of general application, shall be printed and copies of each law not exceeding one hundred shall be, by the secretary of state, forwarded to the proper officer of the township, municipality, county or board of education, as the nature of the case would seem to require. The local laws, including those of general application, of each year shall be bound in one volume, in half-law binding, not exceeding twenty-five copies, which shall be kept in the office of the secretary of state.

Repeals, etc.

SECTION 2. Section 67, as heretofore amended, is repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 2, 1893.

31G

[House Bill No. 989.]

AN ACT

To amend section 6022 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6022 of the Revised Statutes be amended so as to read as follows:

Procedure in probate court:

Sec. 6022. The marriage of a woman shall not disqualify her to act as executrix or administratrix, and all her acts in such capacity shall have the same validity as though she were unmarried.

Marriage no disqualification for executrix or administratrix.

SECTION 2. That said original section 6022 is hereby repealed, and this act shall take effect on its passage.

Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 3, 1893.

33G

[House Bill No. 992.]

AN ACT

To amend section 2276 of the Revised Statutes of Ohio, as amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2276 of the Revised Statutes of Ohio be amended so as to read as follows:

Assessments:

Sec. 2276. When the whole or any portion of an improvement authorized by this title passes by or through a public wharf, market-space, park, cemetery, structure for the fire-department, water-works, school-building, infirmary, market-building, work-house, hospital, house of refuge, gas-works, public prison, or any other public structure or public grounds within and belonging to the corporation, the council may authorize the proper proportion of the estimated costs and expenses of the improvement to be certified by the clerk of the corporation to the county auditor and entered upon the tax list of all the taxable real and personal property in the corporation, and the same shall be collected as other taxes; provided, that in cities of the second and third grade of the first class, the special assessments for such improvements shall be paid from the fund of the department controlling the property, through or by which the improvement passes.

Assessment on property of the corporation.

Cleveland and Toledo.

SECTION 2. That said original section 2276 and as heretofore amended, be and the same is hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 3, 1893.

34G

[Senate Bill No. 387.]

AN ACT

To provide additional salaries for the circuit judges of Cuyahoga county.

Additional compensation of judges of the eighth circuit.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judges of the circuit court of the eighth judicial circuit shall each receive, in addition to the salaries payable out of the state treasury, the sum of one thousand dollars per year, to be paid to them out of the county treasury of Cuyahoga county in the same manner and at such times as is provided for the payment out of the state treasury.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 8, 1893.

36G

[Senate Bill No. 291.]

AN ACT

To regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith.

Incasing of petroleum oil, natural gas and mineral water wells by owner or operator.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the owner or operator of any well being constructed for the production of petroleum oil, natural gas or mineral water, shall, before drilling into the oil and gas bearing rock, incase such well with good and sufficient wrought iron casing, and in such manner as shall exclude all surface or fresh water from the lower part of such well from penetrating the oil or gas bearing rock. Should any well be drilled through the first into a lower oil or gas bearing rock, the same shall be cased in such manner as will exclude all fresh water above the last oil or gas bearing rock penetrated.

Filling of abandoned well by owner or operator.

SECTION 2. That the owner or operator of any well constructed for either or any of the purposes named in the first section of this act, when about to abandon or cease operating the same, and before drawing the casing therefrom, shall securely fill such well with rock sediment, or with mortar composed of two (2) parts sand and one (1) part cement to the depth of two hundred (200) feet above the top of the first oil or gas bearing rock, in such manner as shall prevent the surface or fresh water from penetrating to the oil or gas bearing rock, and also as shall prevent the gas and oil from escaping therefrom. If the owner or operator of any such well shall fail to or shall inefficiently comply with the provisions of this section, then the owner of the land upon

By owner of land.

which such well is situated shall forthwith comply therewith. If all the persons hereinbefore named shall fail to or shall inefficiently fill such well in the manner hereinbefore described, then it shall be lawful for any person, after written demand therefor to any of said persons, to enter the premises where such well is situated, take possession thereof and fully comply with the provisions of this section. The reasonable cost and expense thereof shall forthwith be paid by the owner or operator of the well, and on his default by the owner of the land. The amount of such reasonable cost and expense shall forthwith be a lien upon the fixtures and machinery and leasehold interest of the owner and operator of said well, as well as upon the title and interest of the land owner in the land upon which said well is situated, and may be recovered and enforced against said owner or operator and said land owner in the order named, in any court of competent jurisdiction.

By other person.

Cost and expense.

SECTION 3. That any person, copartnership or corporation, in possession either as owner, lessee, agent or manager of any well producing natural gas, in order to prevent the said gas wasting by escape, shall, within ten days after this act takes effect and within ten days after penetrating the gas bearing rock, in any well hereafter drilled, shut in and confine the gas in said well until and during such time as the gas therein shall be utilized for light, fuel or power purposes; provided, this shall not apply to any well operated for oil.

Confinement of natural gas in well until utilized.

Oil well.

SECTION 4. That it shall be unlawful for any person, copartnership or corporation to use natural gas for illuminating purposes in what are known as flambeau lights; but nothing herein shall prohibit the use of "jumbo" burners or other burners consuming no more gas than such "jumbo" burners; but the person, copartnership or corporation consuming said gas and using such burners in the open air shall inclose the same in glass globes or lamps, and any one using such gas in the open air, or in or around derricks, shall turn off said gas not later than eight o'clock in the morning of each day such lights or burners are used, and shall not turn on or relight the same between the hours of eight o'clock a. m. and five o'clock p. m.

Flambeau lights prohibited.

Regulations as to use of "jumbo" or similar burners.

SECTION 5. That any person, copartnership or corporation violating any of the provisions of this act shall be liable to a penalty of one hundred dollars, to be recovered with costs of suit in a civil action in the name of the state of Ohio, in any court of competent jurisdiction in the county in which the act shall have been committed or omitted. Such suit may be brought at the instance of any resident of the state of Ohio without security or liability for costs. The amount of said penalty when collected shall be paid one-half into the school fund of the county in which said suit is brought, and one-half to said person at whose instance said suit shall have been brought.

Penalty.

Repeals.

SECTION 6. That the act entitled "An act regulating the casing of oil wells and the mode of plugging the same when abandoned," passed April 19, 1883 (O. L. 80, p. 190), and an act entitled "An act to prevent the wasting of natural gas and to provide for the plugging of all abandoned wells," passed February 19, 1889 (O. L. 86, p. 48), be and the same are hereby repealed.

SECTION 7. That this act shall take effect and be in force from and after the first day of April, A. D. 1893.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 9, 1893.

87G

[Senate Bill No. 357.]

AN ACT

To amend section 2864 of the Revised Statutes of Ohio, as amended April 18th, 1892.

Delinquent lands:

Publication of list of delinquent lands.

Hamilton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2864 of the Revised Statutes, as amended April 18, 1892, be so amended as to read as follows:

Sec. 2864. Each county auditor shall cause the list of delinquent land in his county to be published weekly for two weeks, between the twentieth day of December and the third Tuesday in January next ensuing, except in counties containing a city of the first grade of the first class, in which such list shall be published between the twentieth day of December and the first Monday in February, in one newspaper in the English language, and no more, printed and of general circulation in his county, and also in one newspaper of the German language, if there shall be printed and published a newspaper in the German language, and of general circulation therein, and if no paper be printed therein, then in some paper in the English language, having general circulation in his county, to which list there shall be attached a notice that said delinquent lands will be sold by the county treasurer, as provided in section 2870, which said notice shall be in substance as follows, that is to say:

DELINQUENT TAX SALE.

Notice of sale.

The lands, lots and parts of lots returned delinquent by the treasurer of _____ county, together with the taxes and penalty charged thereon agreeably to law, are contained and described in the following list, viz.: (here insert the list, with the name or names of the owner or owners of the said

respective tracts of land, or town lots, as the same are designated on the duplicate), and notice is hereby given that the whole of said several tracts, lots or parts of lots, or so much thereof as may be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer at the court-house in said county on the third Tuesday of January, —, unless said taxes and penalty be paid before that time, and that the sale will be continued, from day to day, until the several tracts, lots and parts of lots, shall have been sold or offered for sale.

SECTION 2. That said original section 2864, as amended April 18, 1892, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 9, 1893.
38G

[Senate Bill No. 396.]

AN ACT

To amend section 7913—41 of the Revised Statutes, relating to children's homes, as amended January 24, A. D. 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7913—41, as amended January 24, A. D. 1893, be so amended as to read as follows:

Children's homes:

Sec. 7913—41. That in any county in the state of Ohio, where there now is or hereafter may be an incorporated "children's aid society," or "children's home," or "industrial school," or "industrial school and home," or any other incorporated society, whose object is the care, aid and education of neglected or destitute children, the county commissioners of such county, or the city council of any city or cities in such county, in addition to the powers now conferred upon such commissioners or city council, are hereby authorized, if they deem it judicious to aid any such institution to purchase land, erect buildings, either by subscription with others to raise a fund for that purpose, or by direct aid or donation, or otherwise, in amount not exceeding six thousand dollars, as they may deem expedient.

Aid of children's homes by county commissioners or city councils.

SECTION 2. Said amended section 7913—41 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 9, 1893.
39G

[House Bill No. 332.]

AN ACT

To authorize township trustees to improve township roads and open streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon the presentation of a petition therefor, signed by the owners of a majority of the feet front abutting on any dedicated street, alley, or avenue, as set forth in any plat or map of record in the recorder's office of any county, and when said dedicated street, alley or avenue is not within the limits, or subject to the control of any municipal corporation, the trustees of the township wherein said street, alley or avenue is situated, are hereby authorized and required to open, extend, widen and straighten said street, alley or avenue, in such manner as may be indicated on the recorded plat or map which dedicates said street, alley or avenue, and shall appropriate, enter upon and hold any real estate within the township necessary for such purpose, regardless of any other public use of said real estate.

Opening and improvement of dedicated street, alley or avenue by township trustees.

Appropriation of real estate therefor.

Proceedings for appropriation.

SECTION 2. The trustees of any township upon receiving the petition, as provided in section one (1) hereof, shall immediately make application to the probate court of the county, as provided in section 2236 of the Revised Statutes of Ohio, and thereafter, as far as practicable, the proceedings shall conform to, and be had under the provisions of sections 2236 to 2261, inclusive, of the Revised Statutes of Ohio.

Compensation of trustees

Assessments upon abutting property.

Payment of assessments.

Certification and collection of unpaid assessments.

Application of moneys received on assessments.

SECTION 3. The trustees shall receive reasonable compensation for their services, which shall not exceed in any case the sum of twenty-five dollars each, which, with all costs and expense of constructing said improvement, together with the interest on any bonds issued by the trustees for the same, shall be levied and assessed upon each front foot of the lots and lands abutting on each side of the street, alley or avenue to be improved, and shall be a lien from the date of the assessment upon the respective lots or parcels of lands assessed; said assessment shall be payable in five (5) annual payments, and shall be paid to the township treasurer; and the option of paying his portion of such assessment in full within a period of twenty (20) days from the date of the levy thereof, shall be given to each of the property owners, but no notice to the property owners of such option shall be necessary. The township treasurer shall, on or before the second Monday of September annually, certify all unpaid assessments to the county auditor and the same shall be placed on the tax list, and shall be with ten (10) per cent. penalty to cover interest and costs collection, collected by the county treasurer in the same manner as other taxes are collected, and when collected he shall pay the same to the township treasurer; and all moneys received by the township treasurer on such assess-

ments shall be applied to the payment of the bonds issued under this act, and for no other purpose; and for the purpose of enforcing the collection of the assessments so certified to him, the county treasurer shall have the same power and authority now allowed by law for the collection of state and county taxes.

Power and authority of county treasurer.

SECTION 4. For the purpose of raising money necessary to meet the expense of the improvement the trustees of a township wherein such street, alley or avenue is situated, are hereby authorized and directed to issue the bonds of the township, not exceeding \$5,000 in amount, payable in instalments, or at intervals not exceeding in all the period of six (6) years, bearing interest at the rate of six (6) per cent. per annum, which bonds shall not be sold for less than their par value.

Issue and sale of bonds.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 9, 1893.

40G

[House Bill No. 571.]

AN ACT

To amend section 6976 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6976 of the Revised Statutes of Ohio be amended so as to read as follows:

Penalties against officers:

Sec. 6976. An officer or member of the council of any municipal corporation or the trustee of any township who is interested directly or indirectly in the profits of any contract, job, work or services for the corporation or township, or acts as commissioner, architect, superintendent or engineer in any work undertaken or prosecuted by the corporation or township during the term for which he was elected or appointed, or for one year thereafter, shall be fined not more than one thousand dollars nor less than five hundred dollars, or imprisoned not more than six months nor less than thirty days, or both, and shall forfeit his office.

Municipal officer or township trustee financially interested in corporation or township work.

SECTION 2. That said original section 6976 be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 9, 1893.

41G

AN ACT

To amend sections 5699 and 5700 of the Revised Statutes of Ohio.

Divorce and alimony
 SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That sections 5699 and 5700 of the Revised Statutes, be amended so as to read as follows:

Rights of wife when divorce granted for aggression of husband barred of right of dower.

Sec. 5699. When a divorce is granted by reason of the aggression of the husband, the wife shall, by force of the judgment of divorce, be restored to all her lands, tenements and hereditaments, not previously disposed of, and the husband shall be barred of all right of dower therein, and if she so desire, the court shall restore to her any name she had before such marriage; she shall be allowed such alimony out of her husband's real and personal property as the court deems reasonable, having due regard to the property which came to him by marriage, and the value of his real and personal estate at the time of the divorce, which alimony may be allowed to her in real or personal property, or both, or by decreeing to her such sum of money, payable either in gross or instalments, as the court deems just and equitable; and if the wife survives her husband, she shall also be entitled to her right of dower in the real estate of her husband not allowed to her as alimony, of which he was seized at any time during the coverture, and to which she had not relinquished her right of dower.

Rights of wife and husband when divorce granted for aggression of wife.

Sec. 5700. When the divorce is granted by reason of the aggression of the wife, she shall be barred of all right of dower in the lands of which her husband is seized at the time of filing the petition for divorce, or which he thereafter acquires, whether there is issue or not; and the effect of the judgment of divorce shall be to restore to her the whole of her lands, tenements or hereditaments not previously disposed of, and not allowed to her husband as alimony, subject to the dower right of her husband therein, and the court may adjudge to her such share of the husband's real or personal property, or both, as it deems just and reasonable; or the husband shall be allowed such alimony out of the real and personal property of the wife as the court deems reasonable, having due regard to the property which came to the wife by marriage, and the value of her real and personal estate at the time of the divorce, which alimony may be allowed to him in real or personal property, or both, or by decreeing to him such sum of money, payable either in gross or in instalments, as the court deems just and equitable; and if the husband survives his wife, he shall also be entitled to his right of dower in the real estate of his wife not allowed to him as alimony, of which she was seized at any time during the coverture, and to which he had not relinquished his right of dower.

SECTION 2. That said original sections 5699 and 5700 are hereby repealed, and this act shall take effect on its passage. Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 9, 1893.

43G

[House Bill No. 1008.]

AN ACT

To amend section 11 of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension [fund], to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children, and the dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class" (84 O. L., p. 102), passed March 16, 1887, and amended April 29, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 11 of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension [fund], to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children, and the dependent mothers and fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class," be so amended as to read as follows:

Firemen's pension fund in certain cities:

Sec. 11. If any member of the fire department of any such city shall, while in the performance of his duty, become or be found upon an examination of a medical officer ordered by said board or committee having control of the fire department, to be physically or mentally permanently disabled, and such disability shall have been caused in, or induced by the actual performance of the duties of his position as such member, so as to render necessary his retirement from all service in the said fire department, such board or committee shall have power to retire such permanently disabled member from all service in the said fire department, and upon such retirement the said board of trustees shall authorize the payment to such permanently disabled member, monthly, from the said pension fund, upon the order of the city clerk, the sum of twenty-five dollars in cities of the third grade of the second class, and forty dollars in cities of the third grade of the first class. If any member of the said fire department shall, while in the performance of his duty, be killed, or in said cities of the second class, third grade, was thus killed after the passage of said original act and before the organization of the firemen's pension fund, or die of the effects of an injury thus received, or of any disease thus contracted, or while retired, die from any such cause, [and] such member so killed, or dying from said

Beneficiaries of such fund; payments to.

injuries or disease, [and] shall leave a widow, or minor child or children under sixteen years of age, or a mother who depended upon him for support, said board of trustees shall authorize and direct the payment from the said pension fund of the following [sums] monthly, to wit: To such widow, while unmarried, twenty dollars, to the guardian of such minor child or children, six dollars for each of said children until each child shall respectively arrive at the age of sixteen years, and twenty dollars to such dependent mother until she remarries; and in case there is no dependent mother, but a father who is dependent upon such member for support, such dependent father shall be paid the same sum monthly provided herein to be paid to a dependent mother; provided, however, that if at any time there should not be sufficient money or bonds to the credit of the said pension fund to pay to each person entitled to the benefit thereof, the full amount per month as hereinbefore stated, then and in that event, an equal percentage of said monthly payments shall be made to each beneficiary thereof, until said fund is so replenished as to warrant payment in full to each of said beneficiaries.

Repeals.

SECTION 2. That the section 11, as amended April 29, 1891, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 9, 1893.

44G

[House Bill No. 1064.]

AN ACT

Making appropriation for support of common schools.

Appropriation
for common
schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from any moneys raised or coming into the state treasury, for the support of common schools, the sum of one million, seven hundred and four thousand, eight hundred and eight dollars and fifty cents (\$1,704,808.50), or as much as may come into the state treasury for that purpose, to be distributed and paid in manner provided by law, agreeable to section 3956 of the Revised Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 9, 1893.

45G

[House Bill No. 1159.]

AN ACT

Supplementary to section 6827 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 6827, Revised Statutes of Ohio, with sectional numbering as follows:

Crimes against the person:

Sec. 6827a. Whoever trespasses, idles, lounges or loiters upon the grounds of the girls' industrial home, or communicates, or attempts to communicate, by signals, signs, writing or otherwise, with the inmates of said home, or conveys or assists in any way in establishing communication between the inmates of said home and any person or persons outside of said institution, except as authorized by the rules and regulations of its board of trustees, shall be fined not more than ten dollars, or imprisoned not more than ten days, or both, at the discretion of the court.

Trespassing upon grounds of girls' industrial home, communicating with inmates of home, etc.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 9, 1893.

40G

[House Bill No. 1169.]

AN ACT

Supplementary to an act to amend section 1292b of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of an act of the general assembly passed April 16, 1888 (85 O. L. 305), be, and the same are hereby extended to the other counties in subdivision three of the fifth judicial district, and that the county commissioners of Pickaway and Madison counties be, and they are hereby authorized to pay the judge of the court of common pleas residing in either of said counties the like salary as provided in said act for the other judges of said court in said subdivision, payable in the ratio of three-fifths for Pickaway and two-fifths for Madison, out of the county treasuries of said counties respectively, at the same time and in like manner as provided by law for the payment of the salary of said judge out of the state treasury.

Additional salary of Pickaway or Madison common pleas judge.

SECTION 2. This act shall take effect and be in force on its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 9, 1893.

47G

[House Bill No. 1200.]

AN ACT

To change the name of Dora Risk to Dora Brundage.

Changing name
of Dora Risk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Dora Risk, of Delphos, Van Wert county, Ohio, be and the same is hereby changed to Dora Brundage.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 9, 1893.

48G

[House Bill No. 1210.]

AN ACT

To amend section one of an act entitled "An act to authorize cities of the first class, second grade, to advertise for proposals for dredging and enter into contract for the same," passed March 18, 1889 (O. L. v. 86, p. 109).

Municipal corporations:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act be amended so as to read as follows:

Dredging of
navigable
streams within
corporate limits
(Cleveland and
Toledo).

Sec. 1. That the council of any city of the first class, second or third grade, is hereby authorized and empowered to cause proposals to be advertised for, for dredging any navigable stream within the limits of such city, for a period not exceeding five years, and are authorized to enter into a contract for such dredging for one or more years, not exceeding five; provided, that the amount expended each year for dredging shall not exceed the current revenue for such purposes in each year.

Repeals, etc.

SECTION 2. That said original section one is hereby repealed; and this act shall take effect on its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed February 9, 1893.

49G

[House Bill No. 1002.]

AN ACT

To amend section 2421 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2421 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 2421. The trustees or board or council of any corporation owning water-works, may, on the written request of any number of citizens living outside of the limits thereof, extend, construct, lay down and maintain aqueduct and water-pipes to any distance outside the corporation limits, not exceeding four miles, and for this purpose shall have the right to make use of such of the public streets, roads, alleys and public grounds as may be necessary therefor. And when any person or persons, at his or their expense have heretofore or may hereafter lay down and extend any mains and water-pipes beyond the limits of such corporation, as herein provided, and such corporation has, by resolution of its trustees of water-works, council, board of control or administration, or city commissioners, or either of them, authorized its superintendent, or other officer of the water-works, to superintend or supervise the laying and extension of such mains and water-pipes, such corporation is hereby authorized and required to furnish water to the residents and property holders on the line of such mains and water-pipes, but subject to the same rules and regulations except as to rates, which shall not exceed those charged within the corporation by more than one-tenth thereof, that such corporation furnishes water to its own citizens; and all ordinances except those relative to taxation or assessment, resolutions, rules and regulations relative to the construction, maintenance and operation of water-works, mains, hydrants, service-pipes and connections, and the protection thereof, now in force and operation on the municipality, or which may hereafter be passed and adopted, shall operate in like manner in the territory outside of the municipality when such extension has been made, and for the enforcement of the same the jurisdiction of the mayor and police shall extend into and over said territory. Said corporation shall take full charge and control of said mains and water-pipes, keep the same in repair at its own expense, and in the event of annexation to the corporation of the territory wherein such mains and water-pipes have been laid, such corporation shall pay to such person or persons a just compensation therefor, and shall thereupon become the owner thereof.

SECTION 2. Said original section 2421 is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives,
 ANDREW L. HARRIS,
President of the Senate.

Passed February 13, 1893.

Water-works:

Extension and maintenance of aqueducts and water-pipes beyond corporation limits.

Mains and water-pipes extended, at expense of individuals, under supervision of water-works officer.

Repeals, etc.

[House Bill No. 1083.]

AN ACT

Making partial appropriations for the last three quarters of the fiscal year ending November 15, 1893, and the first quarter of the fiscal year ending February 15, 1894.

Partial appropriations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums, for the purposes hereinafter specified, are appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to wit:

Adjutant-General's Department.

Salary of adjutant-general, two thousand dollars (\$2,000).
Salary of assistant adjutant-general, fifteen hundred dollars (\$1,500).

Salary of chief clerk, fourteen hundred dollars (\$1,400).

Salary of five clerks, six thousand dollars (\$6,000).

Salary of superintendent of state arsenal, fifteen hundred dollars (\$1,500).

Salary of superintendent of laborers, nine hundred dollars (\$900).

Salary of engineers, one thousand dollars (\$1,000).

Salary of two firemen, six hundred dollars (\$600).

Salary of visitors' attendant, seven hundred and twenty dollars (\$720).

Salary of janitor of the flag-room and relic-room, seven hundred and twenty dollars (\$720).

Salary of day policeman, seven hundred and twenty dollars (\$720).

Salary of night policeman, eight hundred dollars (\$800).

Salary of four regular laborers, six hundred dollars (\$600).

Material and repairs, five hundred dollars (\$500).

Fuel for state-house, five hundred dollars (\$500).

Care and repair of heating apparatus, three hundred dollars (\$300).

For extra labor, five hundred dollars (\$500).

For contingent expenses, five hundred dollars (\$500).

Ohio State Board of Agriculture.

Encouragement of agriculture, fifteen hundred dollars (\$1,500).

Contingent expenses, two hundred dollars (\$200).

Weather and crop service, five hundred dollars (\$500).

Attorney-General.

Salary of attorney-general, fifteen hundred dollars (\$1,500).

Fee on collections, five hundred dollars (\$500).

Salary of clerk, one thousand dollars (\$1,000).

Contingent expenses, two hundred dollars (\$200).

Auditor of State.

Salary of auditor of state, three thousand dollars (\$3,000). Partial appropriations.
 Salary of chief clerk, two thousand dollars (\$2,000).
 Salary of bookkeeper, sixteen hundred dollars (\$1,600).
 Salary of railroad and bank clerk, fifteen hundred dollars (\$1,500).
 Salary of land clerk, fifteen hundred dollars (\$1,500).
 Salary of canal and trust fund clerk, fourteen hundred dollars (\$1,400).
 Salary of statistical clerk, twelve hundred dollars (\$1,200).
 Salary of stenographer, eight hundred dollars (\$800).
 Contingent expenses, five hundred dollars (\$500).

Board of State Charities.

Expenses board of state charities, including investigations, five hundred dollars (\$500).

State Board of Health.

General expenses of board, two thousand dollars (\$2,000).

Board of Pardons.

Salary of members, three thousand dollars (\$3,000).
 Salary of secretary, three hundred dollars (\$300).

Board of Public Works.

Salary of members, twenty-four hundred dollars (\$2,400).
 Salary of engineers, thirty-six hundred dollars (\$3,600).
 Contingent expenses, three hundred dollars (\$300).

School Commissioner's Office.

Salary of commissioner, two thousand dollars (\$2,000).
 Salary of chief clerk, seventeen hundred and fifty dollars (\$1,750).
 Salary of second clerk, twelve hundred dollars (\$1,200).
 Salary of stenographer, four hundred dollars (\$400).
 Traveling expenses of commissioner, two hundred dollars (\$200).
 Contingent expenses, two hundred dollars (\$200).
 Per diem and expenses of state board of school examiners, one hundred dollars (\$100).

Commissioners of Public Printing.

Printing paper, ten thousand dollars (\$10,000).

Partial appropriations.

Commissioner of Railroads and Telegraphs.

Salary of commissioner, two thousand dollars (\$2,000).
 Salary of chief clerk, twelve hundred dollars (\$1,200).
 Salary of secretary, one thousand dollars (\$1,000).
 Contingent expenses, one hundred and fifty dollars (\$150).
 Expenses of commissioner outside of office, one hundred dollars (\$100).
 For expert bridge inspection, two hundred dollars (\$200).

Commissioner of Labor Statistics.

Commissioner's salary, two thousand dollars (\$2,000).
 Salary of clerk, five hundred dollars (\$500).
 Contingent expenses, one thousand dollars (\$1,000).
 Traveling expenses, two hundred dollars (\$200).

Dairy and Food Commissioner.

Salary of commissioner, fifteen hundred dollars (\$1,500).
 Expenses of commissioner, three hundred dollars (\$300).
 Salary of two assistant commissioners, two thousand dollars (\$2,000).
 Expenses of assistant commissioners, three hundred dollars (\$300).

Governor's Office.

Salary of governor, eight thousand dollars (\$8,000).
 Salary of lieutenant-governor, eight hundred dollars (\$800).
 Salary of private secretary, eight hundred dollars (\$800).
 Salary of executive clerk, fifteen hundred dollars (\$1,500).
 Salary of assistant executive clerk, twelve hundred dollars (\$1,200).
 Salary of stenographer, twelve hundred dollars (\$1,200).
 Contingent expenses, including salary of janitor and messenger, five hundred dollars (\$500).

Chief Inspector of Mines.

Salary of chief inspector, two thousand dollars (\$2,000).
 Salary of seven district inspectors, eight thousand and four hundred dollars (\$8,400).
 Contingent expenses, one thousand dollars (\$1,000).
 Clerk hire, two hundred dollars (\$200).

Inspector of Workshops and Factories.

Salary of chief inspector, fifteen hundred dollars (\$1,500).
 Traveling expenses of chief inspector, two hundred dollars (\$200).

Salary of district inspectors, nine thousand two hundred and twenty-nine dollars and sixteen cents (\$9,229.16). Partial appropriations.

Traveling expenses, district inspectors, two thousand dollars (\$2,000).

Clerk hire, five hundred dollars (\$500).

Contingent expenses, five hundred dollars (\$500).

Judiciary.

Salary of judges, three hundred and five thousand dollars (\$305,000).

Law Library.

Salary of law librarian, fifteen hundred dollars (\$1,500).

Salary of assistant law librarian, one thousand dollars (\$1,000).

Contingent fund, two hundred dollars (\$200).

Books and catalogues, five hundred dollars (\$500).

Legislature.

Salaries and mileage of members, fifty thousand dollars (\$50,000).

Expense of legislative committees, fifteen hundred dollars (\$1,500).

Prosecution and Transportation.

Prosecution and transportation of convicts to penitentiary and reform farm, twenty-five thousand dollars (\$25,000).

Prosecuting the War Claims of Ohio Against the United States.

Salary of agent, fifteen hundred dollars (\$1,500).

Expenses of the agent, six hundred dollars (\$600).

Secretary of State.

Salary of secretary of state, two thousand dollars (\$2,000).

Salary of chief clerk, two thousand dollars (\$2,000).

Salary of statistical clerk, fifteen hundred dollars (\$1,500).

Salary of stationery clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of corporation clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of recording clerk, thirteen hundred and fifty dollars (\$1,350).

Salary of superintendent of book-room, one thousand dollars (\$1,000).

Stenographer and assistant corporation clerk, six hundred dollars (\$600).

Partial appropriations.

Extra clerk hire, one thousand dollars (\$1,000).
Contingent expenses, five hundred dollars (\$500).
Distribution of books, four hundred dollars (\$400).
Stationery, three thousand dollars (\$3,000).

Ohio State Library.

Salary of librarian, fifteen hundred dollars (\$1,500).
Salary of assistant librarian, twelve hundred dollars (\$1,200).
Salary of janitor, seven hundred and twenty dollars (\$720).
Contingent expenses, two hundred dollars (\$200).
Books, four hundred dollars (\$400).

State Insurance.

Salary of superintendent, two thousand dollars (\$2,000).
Chief clerk, eighteen hundred dollars (\$1,800).
Salary of examining clerk, fifteen hundred dollars (\$1,500).
Salary of bookkeeper, fifteen hundred dollars (\$1,500).
Salary of corresponding clerk, one thousand dollars (\$1,000).
Salary of mailing clerk, eight hundred dollars (\$800).
Salary of extra clerk, sixteen hundred dollars (\$1,600).
Salary of actuary, two hundred and fifty dollars (\$250).
Contingent expenses, four hundred dollars (\$400).

Bureau of Building and Loan Associations.

Salary of inspector, one thousand dollars (\$1,000).
Salary of department inspector, one thousand eight hundred dollars (\$1,800).
Salary of extra clerks, one hundred and fifty dollars (\$150).
Contingent expenses, one hundred and twenty-five dollars (\$125).

Supervisor of Public Printing.

State printing, eight thousand dollars (\$8,000).
State binding, eight thousand dollars (\$8,000).
Contingent expenses, two hundred and fifty dollars (\$250).
Salary of supervisor, eighteen hundred dollars (\$1,800).

Supreme Court.

Contingent fund, three hundred dollars (\$300).
Janitor, eight hundred dollars (\$800).

Clerk of the Supreme Court.

Salary of clerk, fifteen hundred dollars (\$1,500).
 Salary of chief deputy, thirteen hundred dollars (\$1,300).
 Salary of second deputy, eleven hundred dollars (\$1,100).
 Extra clerk hire, eight hundred dollars (\$800).
 Contingent expenses, one hundred dollars (\$100).

Partial appropriations.

Supreme Court Reporter.

Salary, one thousand dollars (\$1,000).
 Contingent expenses, one hundred dollars (\$100).

Treasurer of State.

Salary of treasurer, three thousand dollars (\$3,000).
 Salary of cashier, two thousand dollars (\$2,000).
 Salary of two bookkeepers, twenty-seven hundred dollars (\$2,700).
 Salary of messenger and janitor, six hundred dollars (\$600).
 Salary of night-watchman, sixteen hundred dollars (\$1,600).
 Collecting auditor of state's drafts, five hundred dollars (\$500).

Ohio Penitentiary.

Salary of managers, five thousand dollars (\$5,000).
 Salary of officers, six thousand dollars (\$6,000).
 Salary of guards, twenty thousand dollars (\$20,000).
 Current expenses, thirty thousand dollars (\$30,000).
 Manufacture of gas, four thousand dollars (\$4,000).
 Rewards to convicts, five thousand dollars (\$5,000).
 Repairs, two thousand dollars (\$2,000).
 Expense of executions, five hundred dollars (\$500).

Athens Asylum for the Insane.

Current expenses, twenty-five thousand dollars (\$25,000).
 Salaries of officers, fifty-one hundred dollars (\$5,100).
 Ordinary repairs, two thousand dollars (\$2,000).

Cleveland Asylum for the Insane.

Current expenses, twenty-five thousand dollars (\$25,000).
 Salaries of officers, fifty-one hundred dollars (\$5,100).
 Ordinary repairs, two thousand dollars (\$2,000).
 Furnishing and furniture for detached buildings, fourteen thousand dollars (\$14,000).

Columbus Asylum for the Insane.

Current expenses, twenty-five thousand dollars (\$25,000).
 Officers' salaries, fifty-eight hundred dollars (\$5,800).
 Ordinary repairs, two thousand dollars (\$2,000).

Partial appro-
priations.

Dayton Asylum for the Insane.

Current expenses, twenty-five thousand dollars (\$25,000).
Officers' salaries, fifty-one hundred dollars (\$5,100).
Ordinary repairs, two thousand dollars (\$2,000).

Toledo Asylum for the Insane.

Current expenses, twenty-five thousand dollars (\$25,000).
Salaries of officers, fifty-eight hundred dollars (\$5,800).
Ordinary repairs, two thousand dollars (\$2,000).

Longview Asylum for the Insane.

Current expenses, twenty-five thousand dollars (\$25,000).
This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of the current expenses of said institution. Requisitions shall be made by the directors of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasury in favor of the treasurer of Hamilton county for such amount.

Boys' Industrial School.

Salary, seven thousand dollars (\$7,000).
Current expenses, five thousand dollars (\$5,000).
Trustees' expenses, one hundred dollars (\$100).
Ordinary repairs, five hundred dollars (\$500).

Girls' Industrial Home.

Current expenses, five thousand dollars (\$5,000).
Salaries, five thousand dollars (\$5,000).
Expenses of trustees, one hundred dollars (\$100).
Ordinary repairs, five hundred dollars (\$500).

Institution for the Blind.

Current expenses, eight thousand dollars (\$8,000).
Salaries of officers and teachers, three thousand dollars (\$3,000).
Ordinary repairs, five hundred dollars (\$500).
Trustees' expenses, two hundred dollars (\$200).

Deaf and Dumb Institution.

Current expenses, ten thousand dollars (\$10,000).
Salaries of officers and teachers, five thousand dollars (\$5,000).
Ordinary repairs, one thousand dollars (\$1,000).
Trustees' expenses, two hundred dollars (\$200).
Foreman and supplies of industrial pursuits, four thousand and eight hundred dollars (\$4,800).

Ohio Institution for Feeble-Minded Youth.

Current expenses, twenty-five thousand dollars (\$25,000). Partial appropriations.
 Salaries, three thousand dollars (\$3,000).
 Repairs, one thousand dollars (\$1,000).
 Expenses of trustees, two hundred dollars (\$200).

Ohio Soldiers' and Sailors' Home.

Current expenses, fifteen thousand dollars (\$15,000).
 Officers' salaries, three thousand dollars (\$3,000).
 Trustees' expenses, two hundred dollars (\$200).
 Clothing, five thousand dollars (\$5,000).
 Ordinary repairs, five hundred dollars (\$500).

Soldiers' and Sailors' Orphans' Home.

Current expenses, twenty-five thousand dollars (\$25,000).
 Salaries of officers, matrons and teachers, five thousand dollars (\$5,000).
 Ordinary repairs, one thousand dollars (\$1,000).
 Salaries of foreman and instructors, fifteen hundred dollars (\$1,500).
 Expenses of trustees and lady board, three hundred dollars (\$300).

Ohio Hospital for Epileptics.

Buildings and improvements, sixteen thousand dollars (\$16,000).

Ohio Working Home for the Blind.

Superintendent's salary, one thousand dollars (\$1,000).
 Foreman's salary, four hundred dollars (\$400).
 Salesman's salary and expenses, one thousand dollars (\$1,000).
 Wages of engineer, teamster, cooking and dining-room help, eight hundred dollars (\$800).
 Trustees' expenses, three hundred dollars (\$300).

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1893, nor shall they be used or paid out for purposes other than those for which said sums are specifically appropriated as aforesaid.

SECTION 3. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropriations made for contingent expenses; no bills for horses or cows, carriages or wagons, carpets or furniture, or any expenses for officers attending state, inter-state or national associations of benevolent institutions, shall be paid out of appropriations made for the current expenses of said institutions; and no money herein appropriated shall be drawn except on requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it

shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 15, 1893.
52G

[House Bill No. 1119.]

AN ACT

To provide for the payment of certain liabilities in the institution for the deaf and dumb.

Appropriation
to pay liabilities
institution for
deaf and dumb.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and hereby is appropriated out of any moneys in the state treasury, to the credit of the general revenue fund and not otherwise appropriated, the sum of eight hundred and seventy-seven dollars and fifty-two cents (\$877.52) to pay liabilities in the salary fund of the institution for the deaf and dumb for the year ending February 15th, 1893.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 15, 1893.
55G

[Senate Bill No. 404.]

AN ACT

To provide for an official stenographer for the counties of Auglaize, Mercer and Van Wert, in the first subdivision of the third judicial district of Ohio.

Official stenog-
rapher for
Auglaize,
Mercer and Van
Wert counties;
appointment.

Residence, office
and stationery.

Prohibitions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judge of the court of common pleas of that part of the first subdivision of the third judicial district of Ohio, composed of the counties of Auglaize, Mercer and Van Wert, shall, within thirty (30) days from and after the passage of this act, appoint for said counties an official stenographer, who shall be a resident of one of said counties, and who shall have his office in the courthouse of said respective counties, which said office and the necessary stationery for the use of said stenographer shall be furnished by the commissioners of said respective counties. Said stenographer shall not, during the term of his

said office, as provided in section two (2) of this act, be the partner, clerk or student of any attorney residing or practicing in any of said counties.

SECTION 2. That such stenographer shall hold his office for the term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless sooner removed by the court for neglect of duty, incompetency or misconduct. Such official stenographer shall, before entering upon the duties of said office, take an oath that he will faithfully discharge the duties of said office. Such stenographer shall receive a salary not exceeding twelve hundred dollars per annum, to be fixed by the judge making the appointment, payable quarterly out of the county treasuries of said counties of Auglaize, Mercer and Van Wert, in the proportion of one-third ($\frac{1}{3}$) thereof to each of said counties, which salary shall be in lieu of all per diem fees in the circuit and common pleas courts of said counties; and it shall be the duty of the auditor of each of said counties to issue warrants on the treasurer of his county for the payment of the portion of said salary payable by his county, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of such official stenographer.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties and the court, to make or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct, in all cases actually tried or heard in the circuit and common pleas courts; and the shorthand notes so taken shall be the property of the county and preserved in the office of such stenographer; provided, that if the sessions of the circuit and common pleas courts in either of said counties are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party, his attorney, or the court, an accurate transcript into long-hand of the notes so taken in the case, or such portion thereof as may be requested, to be paid for, if ordered by the party to the action, forthwith by the party or parties ordering the same; and the cost of said transcript, if used on appeal or error, to be taxed in the costs and adjudged as the court may direct; but no transcript of the notes into long-hand shall be paid for out of the county treasury in any case, unless such ranscript shall be ordered by the judge or judges trying the case, for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county reasury, and the clerk of the court shall certify the amount of such transcripts, which certificate shall be a sufficient

Term.

Oath.

Salary.

Stenographic notes.

Preference to be given common pleas court.

Transcripts.

Costs of transcripts.

Opinions and
charges of court.

Fees for making
transcripts.

Additional costs
for stenog-
rapher's ser-
vices.

voucher to the auditor of the county, upon which he shall draw his warrant upon the county treasurer, and, when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall also, without extra charge or compensation, take from the dictation of the court such short-hand notes and transcribe the same as may be required in preparing opinions and in charges to juries.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into long-hand, in addition to said salary, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript, or such portion thereof, shall be one-third ($\frac{1}{3}$) the fee allowed for the first copy, and shall be paid for in the same manner; and in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of three dollars, to be collected as other costs in the case, and, when so collected, to be by the clerk of the court paid quarterly into the treasury of the county where earned.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 15, 1893.

56G

[Senate Bill No. 78.]

AN ACT

To amend section 930 of the Revised Statutes.

Children's
homes.

Trustees.

Superintendent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 930 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 930. When the necessary site and buildings are provided by the county, the commissioners shall appoint a board of four trustees, not more than two of whom shall be of the same political party, who shall hold their offices as follows: One for one year, one for two years, one for three years, and one for four years, from the first Monday of March thereafter; and annually after said board is so constituted, the county commissioners shall, on the first Monday of March, appoint one trustee for said children's home, who shall hold his office for the term of four years, and until his successor is appointed and qualified; and said board of trustees shall designate some suitable person who shall act as superintendent of said home, and who shall also be clerk of said board of trustees; and he shall receive for his services such compensation as the board of trustees designate at the time of his appointment; and he shall perform all such duties, and give security for the faithful per-

formance of them, as the trustees by law direct. The trustees shall not receive any compensation for their services, and the superintendent shall have the entire charge and control of said home, and the inmates therein, subject to such rules and regulations as shall be prescribed by the trustees; and said trustees may, upon the recommendation of the superintendent, appoint a matron, assistant matron, and teachers, whose duties shall be the care of the inmates of said home, to direct their employment, giving suitable physical, mental and moral training to them. The matron shall, under the direction of the superintendent, have the control, general management and supervision of the household duties of said home, and the matron, assistant matron and teachers, shall each perform such other duties, and receive for their services such compensation as the trustees by by-laws from time to time direct; and they may be removed at the pleasure of the trustees, or a majority of them. The superintendent may suspend temporarily a matron, assistant matron, or teachers, notice of which must be immediately given to the board of trustees for their approval or disapproval; provided, that the trustees may, if in their judgment it is for the best interest of the home and of the county, dispense with a superintendent and authorize the matron to assume the entire charge of the home and its management.

Matron, assistant matron and teachers.

Superintendent may be dispensed with.

SECTION 2. This act shall be in force on and after its passage, and the county commissioners in each county in the state shall, at their first meeting in May, 1893, appoint the additional trustee, provided for herein in such manner and for such term not exceeding four years, that there shall never be more than two of the same political party on said board of trustees at the same time. And said original section 930 and as heretofore amended is hereby repealed.

Appointment of additional trustee, etc.

Repeals.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 16, 1893.

58G

[Senate Bill No. 363.]

AN ACT

To amend section 6392 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6392 of the Revised Statutes be amended so as to read as follows:

Marriages:

Sec. 6392. If any justice, minister or mayor, by this chapter authorized to join persons in marriage, solemn-

Penalty for unlawfully solemnizing marriage.

nize the same without bans having been published, or a license obtained as required by section sixty-three hundred and eighty-nine, the person so offending shall, upon conviction thereof, forfeit and pay any sum not exceeding one thousand dollars, to and for the use of the county wherein such offense was committed, and be imprisoned not more than six months or both; and if any person not legally authorized shall attempt to solemnize the marriage contract, such person shall, upon conviction thereof, forfeit and pay five hundred dollars to and for the use of the county wherein such offense was committed, and be imprisoned not more than six months or both.

Repeals, etc.

SECTION 2. Said original section 6392 is repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed February 16, 1893.

59G

[Senate Bill No. 258.]

AN ACT

To prevent fraud in the sale of binding twine.

Labeling of
binding twine.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That each separate ball or parcel of binding twine—being that commonly employed in binding grain—exposed to sale or offered for sale in this state, shall have attached thereto a tab or label, on which shall be plainly written or printed the kind of material of which the string is composed and the true weight of each of such separate balls or parcels of twine and any dealer, manufacturing corporation, company or their agent selling or offering for sale any such ball or parcel of twine without then having the tab or label attached thereto, above required, shall on conviction thereof be fined not less than one dollar nor more than twenty-five dollars, and shall stand committed until the fine and costs are paid.

Penalty for
failure.

SECTION 2. This act shall take effect and be in force from and after the first day of May, 1893.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 17, 1893.

60G

[House Bill No. 460.]

AN ACT

To amend supplementary section 1692a of the Revised Statutes, as amended February 25, 1891 (vol. 88, O. L., p. 53).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplementary section 1692a of the Revised Statutes of Ohio, as amended February 25, 1891 (vol. 88, O. L., p. 53), be amended so as to read as follows: Powers of cities and villages.

Sec. 1692a. That cities and incorporated villages shall have the power to regulate and compel the consumption of smoke emitted by the burning of coal and to prevent injury and annoyance from the same; and shall also have the power to regulate the use of steam whistles by blowing or sounding the same, or causing steam whistles to be blown or sounded. Consumption of smoke and use of steam whistles.

SECTION 2. That said section 1692a, as amended February 25, 1891, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives,
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 17, 1893.

61G

[House Bill No. 548.]

AN ACT

To permit mine, quarry operators to cross roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any individual, partnership or corporation in Ohio, who may now or hereafter own any land or any interest either in fee or otherwise, containing any mineral, coal, oil, clay or stone; and over any portion of which shall pass any state, county or township road or public highway, with the consent of the board of county commissioners, in case of state or county roads, or township trustees, in case of township roads, shall have and are hereby authorized to bore, excavate, mine, quarry through or under any such road; provided, however, that before said work shall be commenced, said individual, partnership or corporation shall execute and deliver to the board of county commissioners of any such county, a bond with good and sufficient surety in such an amount as shall be by said board considered sufficient to cover all damages that may accrue Conditions upon which mine, oil and quarry operators permitted to undermine or cross public roads.

by reason of excavating, mining or quarrying through or under any such road, the same to be approved by said board; conditioned that while crossing over or mining or quarrying under any such road, a safe and unobstructed passageway or road shall be kept open by such individual, partnership or corporation for public use, and as soon as practicable the said road shall be fully restored to its original safe and passable condition.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 17, 1893.

62G

[House Bill No. 991.]

AN ACT

To amend section two thousand two hundred and eighty-five of the Revised Statutes of Ohio.

Amendments:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand two hundred and eighty-five of the Revised Statutes of Ohio be amended so as to read as follows:

By whom and when special assessments payable; lien from date of assessment; release from such lien.

Sec. 2285. Special assessments shall be payable by the owners of the property, assessed personally, by the time stipulated in the ordinance providing for the same, and shall be a lien from the date of the assessment upon the respective lots or parcels of land assessed, and it shall be the duty of the city clerk, whenever presented with a receipt from the contractor, in whose favor an assessment is confirmed, or his assigns showing said assessment on any property for any improvement to have been paid, to at once record said fact upon the margin of the record of said assessment, together with the date of such presentation, from which time said property shall be released from the lien aforesaid.

Repeals, etc.

SECTION 2. That said original section 2285 of the Revised Statutes of Ohio be and the same is hereby repealed; and this act shall take effect on its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 17, 1893.

63G

[House Bill No. 1271.]

AN ACT

To change the name of William L. Vanderploeg, of Xenia, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William L. Vanderploeg, a resident of Greene county, Ohio, is hereby changed to William Louis Carbin.

Changing name
of William L.
Vanderploeg.

SECTION 2. That said change shall in no way affect the rights, privileges and liabilities of said person.

Effect of change.

SECTION 3. This act shall take effect and be in force after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 17, 1893.

65G

[House Bill No. 1077.]

AN ACT

Making appropriations to pay the principal and interest on the public debt, and interest on the irreducible debt, and expense of the sinking fund commission.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be, and is hereby appropriated from any money that may be in the treasury or that may come into the treasury, belonging to the sinking fund, the following sums for the purposes herein named: For payment of the principal of the funded debt due July 1, 1893, two hundred and fifty thousand dollars (\$250,000). For payment of interest on the funded debt, fifty-three thousand five hundred and ninety-five dollars (\$53,595), or so much thereof as may be necessary to pay the interest falling due July 1, 1893, and January 1, 1894. For the interest on the irreducible debt of the state, which constitutes the school, ministerial, indemnity fund, Ohio university and Ohio state university, two hundred and fifty thousand dollars (\$250,000). For the expenses of the commissioners in paying the loan interest due July 1, 1893, and January 1, 1894, five hundred dollars (\$500). For payment of the expenses of the commissioners of the sinking fund, including salary of clerk, fifteen hundred dollars (\$1,500).

Appropriations
for payment:

Principal of
funded debt.

Interest on
funded debt.

Interest on
irreducible
debt.

Expenses of
commissioners
and salary of
clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 21, 1893.

66G

[House Bill No. 476.]

AN ACT

To provide for the safety of mechanics and others engaged in the work of constructing buildings.

Penalty for failure to provide counter floors for safety of persons engaged in construction of buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whoever being the owner, lessee, agent, factor, architect or contractor, being engaged in and having supervision and charge of the building, erection or construction of any block, building or structure of more than two stories in height, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure above the second, as soon as joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the work of construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than \$25 nor more than \$200, at the discretion of the court, and each and every day that such person, contractor, agent, factor, or architect shall so neglect or refuse to have such floors so placed as aforesaid, after written notice by and from any person whose life or personal safety may be endangered by such neglect or refusal, shall be held and considered a separate offense severally liable to the penalties aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 23, 1893.

69G

[House Bill No. 688.]

AN ACT

To amend section 6395 of the Revised Statutes of the state.

Statistics of births and deaths:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6395 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Sec. 6395. The probate judge shall keep a record of the births and deaths reported to him as hereinafter provided; the births shall be numbered, recorded, and alphabetically indexed in the order in which they are received, and the record shall state in separate columns the date of making the record, the date and place of birth, the name, sex and color of the child, the maiden name of the mother, and the name of the father of the child, and the residence of the parents, as fully as the same are reported; the deaths shall be likewise numbered, recorded and indexed, and the record thereof shall state in separate columns, so far as the same is reported, the date and place of death, name and surname of the deceased, condition (whether single, married or widowed), age, place of birth, occupation, names of parents (when an infant without name), cause of death, color, and last place [of residence] of such deceased person, and the date of making the record; and it shall further be the duty of the probate judge, when satisfied as to the required fact by the sworn testimony of two or more competent witnesses, to make record of births and deaths which have been omitted or hereafter may be omitted and are not of record.

Record of
births and
deaths to be
kept by probate
judge.

Record of
births and
deaths omitted.

SECTION 2. That said section 6395, of the Revised Statutes of the state of Ohio (Smith and Benedict, v. 2, p. 1856), is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed February 23, 1893.

70G

[House Bill No. 973.]

AN ACT

To amend section 6053 of the Revised Statutes of Ohio as amended April 18, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6053 of the Revised Statutes of Ohio as amended April 18, 1892, be so amended as to read as follows:

Executors
and administra-
tors.

Sec. 6053. Upon complaint made to the probate court or the court of common pleas of any county, by the executor, administrator, creditor, devisee, legatee, heir or other person interested in the estate of any deceased person, or the creditor of any devisee, legatee, heir or other person rested in such estate, against the executor or administrator of such deceased person, or against any person or persons suspected of having concealed, embezzled or concealed away any of the moneys, goods, chattels, things in or effects of such deceased, the court shall cite said

Proceedings
when property
of estate con-
cealed or embez-
zled.

executor or administrator, or such other person or persons suspected, as the case may be, forthwith to appear before it, then and there to be examined, on oath, touching the matter of said complaint, and where the complaint is made to the probate court and a jury is demanded by either party, the court may forthwith reserve the case to the court of common pleas for hearing and determination, and it shall thereupon proceed in all respects as though the complaint had been originally made therein; and in like manner and with like effect where a jury has heretofore or may hereafter be demanded, the probate court may reserve any case now pending in the probate court to the court of common pleas.

Repeals, etc.

SECTION 2. That said amended section 6053 as amended April 18th, 1892 (vol. 89, p. 401), be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed February 23, 1893.

72G

[House Bill No. 1366.]

AN ACT

To amend section 1629 of the Revised Statutes of Ohio.

Boundaries of
wards:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1629 of the Revised Statutes of Ohio be amended so as to read as follows:

Notice of pendency of ordinance and proposed change.

Sec. 1629. When such ordinance is introduced, the council shall, by resolution, require the clerk to give notice of its pendency, and of the proposed change, increase or reduction of boundaries, in some newspaper published and of general circulation in the corporation, for the period of three consecutive weeks prior to any action upon the ordinance; provided that when such ordinance is rendered necessary on account of annexation of contiguous territory by any city of the third grade of the first class such notice shall not be required.

Toledo.

Repeals, etc.

SECTION 2. That said original section 1629 is hereby repealed; and this act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives

ANDREW L. HARRIS,

President of the Senat.

Passed February 24, 1893.

74G

[House Bill No. 965.]

AN ACT

To appropriate one thousand dollars to pay for services of the supervisor of elections of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of one thousand dollars for the purpose of paying the compensation of the supervisor of elections of the state of Ohio, as provided in an act entitled, "An act to provide for compensation of supervisor of elections of the state of Ohio," passed April 18, 1892, and the auditor of state is hereby authorized and directed to issue his warrant on the treasurer of state for said sum payable to said supervisor of elections.

Appropriation
for state super-
visor of elec-
tions.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 28, 1893.

75G

[House Bill No. 1335.]

AN ACT

To change the name of Maria Thompson to Maria Shaw.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Maria Thompson, a resident of Trumbull county, shall be and the same is hereby changed to that of Maria Shaw.

Changing name
of Maria
Thompson.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed February 28, 1893.

76G

[House Bill No. 330.]

AN ACT

To correct abuses existing in the way of retaining wages under various pretexts from minors, and to prevent them being deprived of their earnings by unscrupulous employers.

SECTION 1. *Be it enacted by the General Assembly of*

Unlawful to retain wages or receive guaranty from minor under various pretexts.

the State of Ohio, That it shall be unlawful for any person, company or corporation doing business in the state of Ohio, to retain or withhold from an employe, male or female, who is a minor, the wages or compensation, or any part thereof, agreed to be paid to such employe, and due to the same for work performed or services rendered, because of presumed negligence or failure to comply with rules, or for breakage of machinery, or for alleged incompetency to produce work or to perform labor in accordance with any standard of merit set up; nor shall any firm, corporation, or individual as aforesaid, receive any guarantee, bonus, or money deposit, or any other form of security, in order to obtain or to secure for any such minor employment, or to insure faithful performance of labor, or to guarantee strict observance of rules, or to make good any losses which may be ascribed or charged to the incompetency, negligence, or inability of such minor employe.

Provisions governing employment of minors.

SECTION 2. That no person, company or corporation, as aforesaid, shall give employment to any minor, nor retain any minor in employment longer than thirty days after the enactment of this act, without first having obtained in writing from the parents or guardian provided such minor has a parent or guardian, that such minor is of the legal age to be employed at such employment he or she may be given to perform, nor without agreeing with said minor what wages or compensation he or she shall be entitled to receive per day, week, month or year or per piece for work performed; and written evidence of such agreement shall be furnished to such minor, and on or before each pay-day a statement of earnings due, and the amount thereof to be paid to him or her on such pay-day shall be given to such minor, and no subsequent change shall be made in the wages or compensation of such minor without notice of the same being given to him or her at least twenty-four hours previous to its going into effect, and when such change is effected written agreement shall be given as in the first instance to said minor employe.

Penalty for violation.

SECTION 3. Any person, or officer, or agent of any company or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court; and it is hereby declared to be the duty of the state inspector of workshops and factories to see that the provisions of this act shall be enforced.

Duty of state inspector of workshops and factories.

SECTION 4. This act shall take effect and be in force thirty days from and after the date of its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 1, 1893.

78G

[House Bill No. 469.]

AN ACT

To amend an act passed March 17, 1891, entitled "An act to amend section 5 of an act entitled 'an act to compel children under 14 years of age to attend school a certain length of time each year,' passed April 15, 1889."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4022—5, section 5 of the Revised Statutes, as amended March 17, 1891 (vol. 88, p. 136, O. L.), be so amended as to read as follows:

Schools, and
attendance
enforced:

Sec. 5. That all children between the ages of 7 and 14 years who are habitual truants from school, or while in attendance at any public or private school are incorrigible, vicious or immoral in conduct; and all children between said ages, and all minors between the ages of 14 and 16 who can not read and write the English language, and all minors between the ages of 14 and 16 who have no business, lawful occupation or regular employment who absent themselves habitually from school, or who, while in attendance at any public or private school are incorrigible, vicious or immoral in conduct, or habitually wander about the streets and public places during school hours, shall be deemed juvenile disorderly persons and subject to the provisions of this act.

juvenile dis-
orderly persons

SECTION 2. That section 5 of an act entitled "An act to compel children under 14 years of age to attend school a certain length of time each year," passed April 15, 1889 (O. L., vol. 86, p. 335), as amended March 17, 1891 (O. L., vol. 88, p. 136), be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 1, 1893.

79G

[House Bill No. 1016.]

AN ACT

To amend section 4243 of the Revised Statutes of Ohio.

Enacts:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4243 be so amended as to read as follows:

Building of partition fence and collection and payment of cost when either party fails to comply with assignment.

Sec. 4243. If either party fail to comply with the assignment, the trustees may, upon the application of the aggrieved party, sell the contract to the lowest responsible bidder to furnish the labor and material and build such fence according to specifications to be prepared by the trustees after advertising the same for a period of ten days, by setting up posters in three public places in the township. As soon as the work shall be completed in conformity with the sale, and to the satisfaction of the trustees, they shall immediately certify to the auditor of the county the amount such fence sold for, adding the proportionate amount of cost and expenses of such sale, and of all former proceedings of the trustees and clerk, together with a correct description of each piece of land upon which the same is assessed, and the auditor shall place the same on the duplicate to be collected as other state and other county taxes are collected, and the trustees shall at the same time certify the amount due each person for building such fence, and also the amount due each trustee and clerk for their services rendered in such proceedings, and the auditor shall draw orders for the payment of such amounts out of the county treasury; but any person interested may pay his share of the purchase money and proportionate amount of costs and expenses aforesaid to the township clerk at any time before the same are charged on the tax duplicate, to be distributed by the clerk among the parties to which it belongs.

Repeals.

SECTION 2. That section 4243 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate

Passed March 1, 1893.

81G

[House Bill No. 1218.]

AN ACT

To provide for an exhibit of the maple sugar and syrup products of Ohio, at the world's Columbian exposition.

Preamble.

WHEREAS, The state of Ohio is the leading state in the manufacture of maple sugar and syrup, having pro-

duced in the year 1892 over two and one-half million pounds, distributed principally in thirty-two counties of the state; and

WHEREAS, We have heretofore ranked second in the scale of quality in consequence of a want of interest in advertising our product; and

WHEREAS, No adequate appropriation has heretofore been made for a suitable exhibit of Ohio maple sugar and syrup at the world's Columbian exposition at Chicago, during the year 1893; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county in this state are hereby authorized and empowered to appropriate out of any moneys to the credit of the county fund, any sum not exceeding one thousand dollars (\$1,000.00), for the purpose of making a suitable exhibit of the maple sugar and syrup product of the county at the world's Columbian exposition at Chicago, Illinois.

Appropriation
for county
exhibit of maple
sugar and
syrup at world's
Columbian
exposition.

SECTION 2. The executive committee of the world's Columbian exposition for Ohio is hereby authorized and required, within ten days after the passage of this act, to appoint some suitable citizen of the state as superintendent of said sugar exhibit, who shall receive reasonable compensation payable from the appropriation for the world's fair commission. The funds appropriated under section one of this act shall be under the control, and expended by the said superintendent, with the approval of the said executive committee of the world's fair commission and said superintendent shall proceed immediately upon his appointment to collect, transmit and place on exhibition, and have charge of and control the said maple sugar and syrup product of the state under such rules and regulations as may be prescribed by the board of commissioners for the world's Columbian exposition for the state of Ohio.

Superintendent
of such exhibit.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 1, 1893.

82G

[House Bill No. 1301.]

AN ACT

To authorize villages situated in counties containing cities of the first grade of the first class to divide assessments for sewer improvements into annual instalments; supplementary to section 2406a, Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2406a be supplemented by supplementary sections 2406b and 2406c.

Assessments—
sewers.

Division of
sewer assess-
ments into
instalments
Hamilton
county vil-
lages.

Option of
paying assess-
ment in full.

Interest on
unpaid instal-
ments.

Bonds, notes or
certificates of
indebtedness.

Placing of
assessment
upon tax list.

Additional tax.

Sec. 2406b. The council of incorporated villages situate in counties containing cities of the first grade of the first class, may require any assessment mentioned in this subdivision to be levied and paid either in one instalment, or in not exceeding ten equal annual instalments, as it shall in each case determine either in the resolution or ordinance to improve. In all cases where council has determined that any assessment mentioned in this subdivision shall be paid in instalments, the option of paying his portion of such assessment in full within a period of twenty days from the date of the levy thereof shall be given to each of the property owners, and notice of such option shall be published twice within the first ten days of said period of twenty days, in at least one newspaper of general circulation in the county and village where any such assessment is levied; and all unpaid portions of each and all of said instalments shall bear interest from and after the expiration of said option at the rate of six per centum per annum until paid. In order to pay the cost of any such improvement as to which any such assessment in instalments is made, the council may borrow upon the credit of the corporation a sum of money sufficient to pay such cost, and may issue bonds, notes or certificates of indebtedness under the corporation seal, pledging the faith and credit of the corporation for the payment of the principal and interest of such bonds, notes or certificates of indebtedness, which interest shall not exceed the rate of six per centum per annum, payable semi-annually, and such bonds, notes or certificates of indebtedness shall express upon their face the purpose for which and under what order they are issued, and shall be signed by the mayor and clerk of said village, and may be sold for not less than their par value, upon ten days' notice published in at least one newspaper of general circulation in the county and village. The money so obtained shall be applied exclusively in each case to the payment of the cost of the improvement as to which the assessment in instalments is made. When any such assessment in instalments is made, and bonds, notes or certificates of indebtedness are issued as aforesaid, in anticipation of the collection of such assessment, the ordinance directing the assessment shall specify the amount by the front foot, or according to valuation or benefits, or otherwise, and the village clerk shall, on or before the second Monday of September, annually, certify such assessment to the county auditor, and the assessment shall be placed on the tax list and collected; and when collected shall be paid and applied in the manner prescribed by law for the collection of assessments.

Sec. 2406c. In addition to the levy and taxation already provided for by law, the council of any village situate in a county containing a city of the first grade of the first class, may levy, annually, on each dollar of valuation of taxable property in the corporation a tax not exceeding two mills, for the construction and repairs of sewers, drains and ditches, and as a sewerage fund of the corporation and the

council may anticipate the tax so authorized to be levied by temporary loans, but no loan shall be made in excess of the gross amount of taxes levied for such purposes during the then current year; and money so borrowed when paid into the treasury shall be applied first in payment of such loan.

Anticipation of such tax.

SECTION 2. All laws or parts of laws inconsistent with this act are hereby declared void as to such inconsistencies but not otherwise.

Inconsistent laws.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 1, 1893.
83G

[Senate Bill No. 447.]

AN ACT

To amend section 8 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 8 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio," passed April 18, 1892, be amended so as to read as follows:

Conduct of elections:

Sec. 8. The judges and clerks provided for herein shall serve as such in all elections in this state for public officers, except for school directors. They shall perform all the duties and be subject to all the penalties imposed upon judges and clerks of election by law and the act entitled "An act to provide a mode for conducting elections," etc., passed April 30, 1891, and acts amendatory and supplementary thereto.

Duties of judges and clerks; penalties to which subject.

The state supervisor of elections and the deputy supervisors of each county, as herein provided, shall perform all the duties imposed by law and the act entitled "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, as amended and supplemented, upon the secretary of state, or the clerk of the court, or a board of elections acting within and for a county, in the conduct of elections.

Duties of state supervisor and deputy supervisors.

The state supervisor of elections and the deputy supervisors shall receive and file the certificates of nominations and nomination papers, fill vacancies, pass upon the validity thereof and certify the same agreeably to the provisions of law and said act regulating the filing and the determination

Certificates of nominations, nomination papers, and vacancies.

of the validity thereof, to be made and done by the secretary of state, board, clerk, officer or officers.

Questions to be decided by chief deputies and clerks.

Submission of question to state supervisor, and decision thereof.

General duties of deputy supervisors.

Objections or questions arising on the nomination certificates or papers of candidates for district or circuit offices, or offices of a subdivision of a district or circuit, shall be determined by the chief deputies and clerks of the deputies of the counties comprising said district or circuit. In case no decision can be arrived at by the deputy supervisors for the county or by the chief deputies and clerks of a district or circuit, then the question shall be submitted to the state supervisor of elections, who shall summarily decide the same and his decision shall be final.

The deputy supervisors for each county shall advertise and let the printing of the ballots, cards of instruction and other required books and papers to be printed by the county; they shall receive the ballots from the printer and cause the same to be securely sealed up in their presence in packages, one for each precinct, containing the designated number of ballots for each precinct, and shall make the necessary indorsements thereon as provided in said act; they shall provide for the delivery of the ballots, poll-books and other required books and papers at the polling places in the several precincts; they shall cause the polling places to be suitably provided with booths, guard-rails, etc., as provided in said act of April 30, 1891, and acts amendatory and supplementary thereto; they shall provide for the care and custody of the same during the intervals between elections; they shall receive the returns of election, make abstracts of the same and transmit such abstracts to the proper officers at the times and in the manner that the clerk of the court of common pleas, by sections 2980, 2981, 2982, 2983, 2989 and 2994 of the Revised Statutes, is required to canvass the returns, make abstracts thereof, transmit the same and issue certificates to persons entitled to the same.

Return and canvass of vote for township and municipal officers, members of boards of education and justices of the peace.

Municipalities having registration.

In April or other elections for township or municipal officers, or boards of education, or the election of a justice of the peace, the judges and clerks of elections shall certify the returns to the clerk of the township or the clerk of the municipality in which the election is held, or clerk of the board of education, instead of to the deputy state supervisors, and the said township clerk, or the clerk of the municipality, or clerk of the board of education, shall canvass the vote and declare the result in the manner and as provided in sections 1453, 1729 and 3910 of the Revised Statutes, and in the case of an election of a justice of the peace, shall certify the result to the board of deputy state supervisors; except in municipalities where the voters are registered the returns shall be made and canvassed as provided in section 2926 of the Revised Statutes.

SECTION 2. Section 8 of the above recited act is repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 2, 1893.
87G

[House Bill No. 1037.]

AN ACT

To amend section twelve hundred and forty (1240) of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1240 of the Revised Statutes of Ohio be amended so as to read as follows:

Clerk of the
court of com-
mon pleas:

Sec. 1240. There shall be elected triennially, in each county, a clerk of the court of common pleas, who shall hold his office three years, beginning on the first Monday of August next after his election.

Election and
term of office.

SECTION 2. That said original section 1240 is hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 2, 1893.
88G

[House Bill No. 1344.]

AN ACT

To change the name of James Reigle.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of James Reigle, a resident of Darke county, Ohio, be and the same is hereby changed to "James Albright." But said change of name shall in no way affect the rights, privileges or liabilities of the person herein named.

Changing name
of James
Reigle; effect
of such change.

SECTION 2. This act shall be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 2, 1893.
90G

[House Bill No. 1430.]

AN ACT

Supplementary to an act entitled "An act supplementary to section 2293*d* of the Revised Statutes to authorize certain villages to make certain improvements and issue bonds to defray portions of the expense thereof," passed May 4, 1891.

Street improve-
ments (Avon
date):

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 2293*e* of the Revised Statutes (88 Ohio laws, 527), with sectional numbering as herein provided:

Grade estimat-
ed cost and kind
of improve-
ment.

Sec. 2293*f*. That whenever the owners of more than one-half of the abutting front feet of lots and lands mentioned in paragraph first of said section 2293*e*, to which this act is supplementary, shall, in the petition provided for in said paragraph, unite in designating a particular kind of street improvement, of a character authorized by section 2293*e*, then said commissioners shall proceed to make an investigation as to the grade required, and a careful estimate of the cost of such improvement, and shall report a suitable grade and the estimated cost to the council; and no improvement shall be ordered in respect to the street or portion thereof named in said petition, under said act, to which this act is supplementary, other than the kind of improvement so designated in said petition.

SECTION 2. This act shall take effect and be in force from and after its passage.

L. C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 2, 1893.

91G

[House Bill No. 76.]

AN ACT

Supplementary to an act entitled "An act to amend section one of an act passed and took effect April 16, 1867, entitled an act to authorize and require the payment of bounties to volunteer soldiers," passed April 3, 1889 (86 v. 193), and to repeal an act on the same subject passed April 9, 1885 (82 v. 119), supplementary to an act passed April 16, 1880 (77 v. 294), amending said section one of said act of 1867.

Prima facie evi-
dence in other
cases

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the certificate of the adjutant-general of the state of Ohio, when it appears from the records of his office that the applicant reenlisted in the service of the United States, specifying dates and the locality to which the applicant was credited, shall be taken, for all purposes under the act to which this is supplementary, as prima facie evidence of his having reenlisted, as and of his being a

veteran volunteer within the meaning of said act, and of his having been credited, as required to be shown by said act, upon such reenlistment, to the county, township, city, or ward of the city named in said certificate, and upon the quota thereof under a requisition of the president of the United States for volunteers during the late rebellion.

SECTION 2. That the papers, documents, books and records on file or deposited in the office of said adjutant-general, or the office of the adjutant-general of the United States, shall, for all purposes under said act, be admissible in evidence, and such papers, documents, books and records, or any transcript, copy, statement or abstract of the same, or any part thereof, certified to be such by said officer in whose office said originals shall thus be on file or deposit, or his assistant under the seal of such officer or office, shall be competent and prima facie evidence of the facts and matters therein contained, so far as the same may be pertinent to the issue or claim.

Value of certain documents as evidence.

SECTION 3. That the provisions of this act shall apply to all such transcripts, copies, statements or abstracts heretofore or hereafter thus made and certified, and to all proceedings or actions now pending or hereafter brought, under the provisions of the act to which this is supplementary, or any previous act or acts upon the same subject, or any such act hereafter passed while this act shall remain in force.

Application of provisions of act.

SECTION 4. That said act entitled "An act supplementary to an act entitled an act to amend section one of an act passed and took effect April 16, 1867, entitled an act to authorize and require the payment of bounties to volunteer soldiers," passed April 9, 1885 (82 v. 119), be and the same hereby is repealed.

Repeals.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 8, 1893.

93G

[House Bill No. 358.]

AN ACT

Supplementary to section 621 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sections be enacted supplementary to section 621 of the Revised Statutes of Ohio, with sectional numbering as herein provided:

Justices of the peace:

Salary, clerk
hire and office
rent (Colum-
bus).

Sec. 621c. In all cities in this state of the first grade of the second class, each justice of the peace, for services rendered, shall receive in lieu of all fees a salary of fifteen hundred dollars, and four hundred dollars for clerk hire, and not exceeding two hundred dollars for office rent, per annum, payable out of the city treasury, in quarterly payments, on the first Saturday in January, April, July and October in each year.

Duty as to fees.
[Amended by
act of March
22, 1893.]

Sec. 621d. It shall be the duty of each justice of the peace in all cities of the second grade of the first class, to collect the fees as provided in sections 615 and 621 of the Revised Statutes of Ohio, and make return under oath to the city treasurer on the first Saturday of January, April, July and October of each year, of all fees collected by him, and pay the same into the city treasury; he shall also make a return to the city treasurer at the same time of all the fees due and uncollected. He shall, within five days after the expiration of the term of his office, make an itemized statement under oath to the city treasurer of all fees uncollected by him, and it is hereby made the duty of the city treasurer to collect said unpaid fees, out of which he is authorized to retain ten per centum of the amount collected for his services, and account for the balance as other funds of such city coming into his hands as treasurer.

Duty and com-
pensation of
city treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1893.
94G

[Senate Bill No. 333.]

AN ACT

Authorizing the organization of an independent infantry company in the city of Cleveland.

Cleveland city
guards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the citizens of Cleveland are hereby authorized to organize, arm and equip an independent infantry company of not less than fifty nor more than one hundred active members, to be known as the Cleveland city guards, who shall sign a written agreement to be subject to all calls of the mayor or the governor of the state, in case of insurrection or riot, or when there is reasonable apprehension thereof, which written agreement shall be deposited with the mayor of such city.

Contributing
members.

SECTION 2. Contributing members, not exceeding one hundred and fifty for each company, may be received and enrolled in such company. Such contributing members

shall be subject to such contributions, dues and services as may be prescribed by the code of regulations and by-laws of such company; but the dues of such contributing members shall in no case be less than ten dollars each per annum.

SECTION 3. The acting and contributing members of such company shall be entitled to all the privileges and exemptions allowed members of the Ohio national guard, and the acting members thereof who sign such agreement, shall, for neglecting or refusing to respond to any call of the mayor, or the governor of the state, be subject to the same fines and penalties as members of the Ohio national guard for like offenses, when called *into* service by the governor. All persons who enlist in such company as acting members at any time, shall sign an agreement as provided in the first section of this act; and such company shall be kept up to a minimum of at least fifty acting members; provided, that such company shall receive no pay or allowance from the state for camp duty, transportation, or for any other purpose.

Provisions
applicable
to members.

SECTION 4. Whenever there is a riot or insurrection and whenever there is reasonable apprehension thereof, the mayor of such city or the governor of the state may call out such company to aid the civil authorities in suppressing such riot or insurrection, or in preventing the same; and when so called out such company shall be subject to the orders of such mayor or governor.

Riot or insur-
rection.

SECTION 5. Any independent infantry company heretofore organized in such city may be brought within the provisions of this act, and entitled to all the privileges and exemptions, and subject to all the penalties provided in this act, by the acting members of such company signing and depositing with the mayor a written agreement as specified in section 1 of this act.

How company
heretofore
organized may
be brought
within provi-
sions.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 8, 1893.

95G

[Senate Bill No. 390.]

AN ACT

To provide for the employment and payment of counsel, and other expenses, in actions brought by or against boards of county commissioners and other county officers in the courts of the United States of America.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in any action heretofore or hereafter commenced for or against the board of commissioners of any county in the state, or other county officers, in any of

Attorneys of
county officers
in actions in
United States
courts.

the courts of the United States of America, involving the title to real estate held by or for such county, or which involves the performance of official duty on part of said board or other officer, such board or other officer may employ one or more attorneys to prosecute or defend any such action in said courts; one of said attorneys, however, shall be the prosecuting attorney of the county at the time when such action was commenced.

Payment of expenses, attorneys' fees and damages.

SECTION 2. The board of commissioners of such county shall allow and pay from the treasury of such county the reasonable and necessary expenses of prosecuting or defending such actions, including reasonable and proper fees, and expenses to attorneys employed as aforesaid, and also including any damages or costs adjudged against said board or other officers by said courts.

Duty of county solicitor (Hamilton county).

SECTION 3. In counties having a county solicitor, or a board of control having a solicitor of said board of control, it shall be the duty of such solicitor to take charge of and prosecute or defend such actions so brought against said board of commissioners or other county officers; and it shall be unlawful for the board of commissioners or other officers in such counties to employ other counsel.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 8, 1893.

96G

[Senate Bill No. 393.]

AN ACT

Supplemental to section 1 of an act entitled "An act to amend section 1 of an act entitled 'an act to provide an official stenographer for certain counties therein described,'" passed March 24, 1891.

Courts:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of an act entitled "An act to amend section one of an act entitled 'an act to provide an official stenographer for certain counties therein described,'" passed March 24, 1891, be amended so as to read as follows:

Official stenographers Butler, Columbiana, Darke, Mahoning, Summit, Trumbull, Washington).

Sec. 1. That in all counties having a population of not more than forty-nine thousand nor less than forty-two thousand, and also in counties having a population of not less than forty thousand four hundred and eighty, nor more than forty thousand and five hundred, by the federal census of 1880, or which at any subsequent federal census may have such population, the court of common pleas may ap-

point one official stenographer for such county, who shall hold his office for the term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office, and he shall receive a salary to be fixed by said court not exceeding eighteen hundred dollars per annum, payable in equal monthly instalments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts, and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer. And whenever in any of such counties there are or may be two common pleas courts in session continuously at each term thereof, and the services of an additional stenographer are necessary, the court of common pleas may appoint an assistant stenographer, who shall be skilled in his or her profession, take a like oath of office, and serve such time as his or her services may be required by the court, and who shall receive a salary, to be fixed by the court, not exceeding twelve hundred dollars, in the same manner as provided for other official stenographers of said counties.

Assistant stenographers.

SECTION 2. That said section one of the act referred to be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 8, 1893.

97G

[Senate Bill No. 405.]

AN ACT

To provide for an official stenographer for the counties of Allen and Shelby in the first subdivision of the third judicial district of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the judge of the court of common pleas that part of the first subdivision of the third judicial district of Ohio, composed of the counties of Allen and Shelby, all, within thirty days from and after the passage of this t, appoint for said counties an official stenographer, who all be a resident of one of said counties, and who shall ve his office in the court-house of said respective counties, ich said office and the necessary stationery for the use of d stenographer shall be furnished by the commissioners of

Official stenographer for Allen and Shelby counties; appointment.

Residence, office and stationery.

Prohibitions.

said respective counties. Said stenographer shall not, during the term of said office, as provided in section two of this act, be the partner, clerk or student of any attorney residing or practicing in any of said counties.

Term.

SECTION 2. That such stenographer shall hold his office for the term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless sooner removed by the court for neglect of duty, or misconduct or incompetency. Such official stenographer shall, before entering upon [the] duties of said office, take an oath that he will faithfully discharge the duties of said office.

Oath.**Salary.**

Such stenographer shall receive a salary of not exceeding twelve hundred dollars per annum, to be fixed by the judge making the appointment, payable quarterly out of the county treasuries of said counties of Allen and Shelby, in the proportion that the judge in his discretion may direct; which shall be in lieu of all per diem fees in the circuit and common pleas courts of said counties; and it shall be the duty of each of the auditors of said counties to issue warrants on the treasurer of his county for the payment of the portion of said salary payable by his county, as herein provided, out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Stenographic notes.

SECTION 3. It shall be the duty of such stenographer, unless waived by the parties and the court, to make or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct, in all cases actually tried or heard in the circuit and common pleas courts; and the short-hand notes so taken shall be the property of the county and preserved in the office of such stenographer; provided, that if the sessions of the common pleas and circuit courts in either of said counties are holden on the same days, said stenographer shall give preference to the common pleas court, unless excused by the judge thereof. It shall also be the duty of such stenographer to make or cause to be made, at the request of either party, his attorney, or the court, an accurate transcript into long-hand of the notes so taken in the case, or such portion thereof as may be requested, to be paid for if ordered by a party to an action forthwith by the party or parties ordering the same; and the cost of said transcript, if used on appeal or error, to be taxed in the costs and adjudged as the court may direct; but no transcript of the notes into long-hand shall be paid for out of the county treasury in any case, unless said transcript shall be ordered by the judge or judges trying the case for his or their own use, and in criminal cases by the prosecuting attorney. All such transcripts ordered by the judge or judges trying the case, and by the prosecuting attorney in criminal cases, shall be paid for out of the county treasury, and the clerk of the court shall certify the amount

Preference to be given common pleas court.**Transcripts.****Costs of transcripts.**

of such transcripts, which certificate shall be a sufficient voucher to the auditor of the county, upon which he shall [draw] his warrant upon the county treasurer, and when so paid, such fees shall be taxed and collected as other costs in the case. Such stenographer shall, also, without extra charge or compensation, take from the dictation of the court such short-hand notes, and transcribe the same, as may be required in preparing opinions, and in charges to juries.

Opinions and charges of court.

SECTION 4. Said stenographer shall receive for making such transcripts of said notes into long-hand, in addition to said salary, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee for making such additional transcript, or such portion thereof, shall be one-third the fee allowed for the first copy, and shall be paid for in the same manner. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected to be by the clerk of the court paid quarterly into the treasury of the county where earned.

Fees for making transcripts.

Additional costs for stenographer's services.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 8, 1893.

98G

[House Bill No. 1179.]

AN ACT

To amend sections 3734 and 3735 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3734 and 3735 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Colleges, etc.:

Sec. 3734. A college, university, academy, seminary, or other institution devoted to the promotion of education, now existing by virtue of any special act of incorporation, or organized under the provisions of any law, whose property is derived and held by donation, gift, purchase, devise, or gratuitous subscription, and the amount of which, or the income arising therefrom, is limited by such special act, or by the articles of association adopted by such institution, may receive, acquire, possess and hold hereafter any amount of property, real, personal or mixed, which its board of directors or trustees shall deem it advisable for the institution to accept, and may, by its trustees, sell, dispose of and convey the same, but such property shall not be diverted

Certain corporations may increase their property.

Bonds in anticipation of donations.

from the express will of the donor, deviser or subscriber. The board of trustees of any such college, university, academy, seminary, or other institution devoted to the promotion of education, in anticipation of donations to be received and collections to be made, may, for the purpose of constructing, enlarging or adding to any college buildings or improvements, borrow such sum of money as they may determine necessary for such purpose, and may issue bonds therefor and secure the same by a mortgage upon the property upon which such improvement is to be made, provided such property is not held by them under some specific trust.

Statement to be made and filed.

Sec. 3735. Before any such institution shall be authorized to acquire and hold such additional property, the trustees thereof, at a regular meeting of their board, or at a special meeting called for that purpose, shall, from time to time, make and sign a statement specifying the amount of such additional property which they seek to acquire and hold, and shall set forth therein the purposes to which it is to be devoted, which statements shall be entered at large upon the record book of the trustees and be filed in the office of the secretary of state.

Repeals.

SECTION 2. That said sections 3734 and 3735 be, and the same are hereby, repealed.

SECTION 3. That this act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 8, 1893.

102G

[House Bill No. 1230.]

AN ACT.

To change the name of Sigmund F. Szaz.

Changing name of Sigmund F. Szaz.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Sigmund F. Szaz, a resident of Cuyahoga county, Ohio, be and the same is hereby changed to Sigmund F. Hays.

Effect of change.

SECTION 2. That said change shall in no wise affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 8, 1893.

103G

[House Bill No. 1233.]

AN ACT

To amend section 1271 of the Revised Statutes of Ohio, as amended March 8, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1271 of the Revised Statutes of Ohio, as amended March 8, 1889, be amended so as to read as follows:

Prosecuting
attorney:

Sec. 1271. In Hamilton county the presiding judge of the court of common pleas, the presiding judge of the superior court of Cincinnati, and the probate judge, may appoint a first assistant and a second assistant prosecuting attorney. In Cuyahoga county the judges of the court of common pleas may appoint two assistant prosecuting attorneys, who shall also be assistant court solicitors. And said judges may, from time to time, appoint such special assistants to aid the prosecuting attorney, as in their opinion the public business may require, who shall be paid out of the treasury of the county, on the warrant of the county auditor, such sum as the court may approve and order; and in Franklin county the judges of the court of common pleas residing therein, may appoint an assistant prosecuting attorney and a clerk to the prosecuting attorney; and in Lucas county a majority of the judges of the court of common pleas residing therein, may appoint an assistant prosecuting attorney. Such assistant prosecuting attorney and such clerk shall be appointed as aforesaid only upon the nomination of the prosecuting attorney of such counties, respectively, and shall receive such salary as shall be fixed by the judges appointing them, not exceeding in Hamilton county twenty-five hundred dollars to the first [assistant], or eighteen hundred dollars to the second assistant, and not exceeding in Cuyahoga county twenty-five hundred dollars nor less than two thousand dollars per annum, and not exceeding in Franklin county two thousand dollars per annum to the assistant prosecuting attorney, or twelve hundred dollars per annum to the clerk to the prosecuting attorney, and not exceeding in Lucas county eighteen hundred dollars per year to the assistant prosecuting attorney. Such salary shall be paid out of the treasury of the county on the warrant of the auditor. The term of appointment for assistant prosecuting attorney and clerk to the prosecuting attorney shall be for one year from and after the day of appointment, and when there is a vacancy, the appointing judge or judges may renew the appointment.

Assistants
in Hamilton,
Cuyahoga,
Franklin and
Lucas coun-
ties; appoint-
ment.

Salary.

Term.

SECTION 2. Said section 1271, as amended March 8, 89, is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1893.
104G

[House Bill No. 1243.]

AN ACT

To change the name of Isidore Margoninsky to Isa S. Marks.

Changing name of Isidore Margoninsky. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Isidore Margoninsky, a resident of Hamilton county, Ohio, be and the same is hereby changed to Isa S. Marks.

Effect of change. SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1893.
105G

[House Bill No. 1244.]

AN ACT

To change the name of Samuel Kastanienbaum to Samuel K. Baum.

Changing name of Samuel Kastanienbaum. SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Samuel Kastanienbaum, a resident of Hamilton county, Ohio, be and the same is hereby changed to Samuel K. Baum.

Effect of change. SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 8, 1893.
106G

[House Bill No. 1246.]

AN ACT

To provide for the publication of volume VII, geology of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several reports prepared by the state geologist and his assistants during the last three years, including the maps, illustrations and plates that accompany these reports, shall be furnished to the state supervisor of printing, in proper condition for publication, on or before March 1, 1893, and that the same shall be entitled "geology of Ohio, volume VII."

Geology of Ohio,
volume VII.

SECTION 2. There shall be printed of said volume 7, under the contract for state printing, seven thousand five hundred copies. These copies shall be printed and bound to correspond with the volumes of the series already published. The binding shall be done at the state bindery. The printing and proof-reading shall be under the supervision of the state geologist.

Printing bind-
ing and proof-
reading.

SECTION 3. There shall be printed and bound separately, twenty-five hundred copies of the chapters relating to the coal fields, clay manufactures, etc., as selected by the state geologist, and the maps accompanying such chapters. This volume shall be entitled "geology of Ohio, volume VII, economic."

Geology of Ohio,
volume VII, eco-
nomic.

SECTION 4. Of the copies of the complete report, the following distributions shall be made: To the state library, for exchanges, including one copy for each state institution and each state officer, two hundred copies; to the state geologist, six hundred copies; to be deposited with the secretary of state, to be sold at one dollar and fifty cents per volume for the benefit of the general revenue fund, one thousand copies. The remainder to be equally divided among the members of the 70th general assembly. Of the separate copies of "economic geology," the following distribution shall be made: To the state geologist, three hundred copies. To each member of the 70th general assembly, making application for the same to the secretary of state, during the present session, any number not exceeding fifty copies; provided, that the applications shall not exceed the number printed. In case of such excess the copies shall be equally divided among the applicants. Any surplus copies shall be deposited with the secretary of state, to be sold at sixty-five cents per volume, for the benefit of the general revenue fund.

Distribution of
foregoing re-
ports.

SECTION 5. For the purchase of book paper, seventy pounds to the ream, at a rate not exceeding seven cents to the pound, for suitable paper for maps and plates, for cases or maps, for printing said volume, for preparing and engraving maps and plates and for compensation of state geologist for supervision, there is hereby appropriated the sum of six thousand dollars, which shall be applied to the

Appropriations.

appropriation for state printing, and for binding said volume VII there is appropriated the sum of three thousand dollars, which shall be applied to the appropriation for the state bindery.

Purchases and
disbursements.

SECTION 6. All purchases and disbursements shall be made by the supervisor of public printing, subject to the approval of the state geologist.

SECTION 7. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 8, 1893.

107G

[House Bill No. 1017.]

AN ACT

To amend section 2 of an act entitled "An act to provide for the more efficient organization of the common schools in township districts," passed March 15, 1892.

Township dis-
tricts:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an [act] entitled "An act to provide for the more efficient organization of the common schools in township districts," be so amended as to read as follows:

Repeals.

Sec. 2. All of said original sections of the Revised Statutes, together with the amendments heretofore made thereto, and amended by this act, are hereby repealed; also sections 3918, 3919, 3949, 4033, and all acts or parts of acts, and all sections or parts of sections in conflict with the provisions of this act, are, to the extent of such conflict, hereby repealed; provided, that all township districts composed of one subdistrict, and that township districts organized as village districts, or that may hereafter organize as such, remain, and the boards thereof retain the powers and duties as now conferred by the Revised Statutes of the state.

Continuity of
certain town-
ship districts.

Repeals.

SECTION 2. That said section 2 of an act entitled "An act to provide for the more efficient organization of the common schools in township districts," passed March 15, 1892, is hereby repealed.

SECTION 3. That this act shall take effect and be in force from and after April 1, 1893.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 9, 1893.

110G

[House Bill No. 1173.]

AN ACT

To amend section 1532 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1532 of the Revised Statutes be amended so as to read as follows:

Officers of civil townships.

Sec. 1532. The treasurer, except as hereinafter provided, shall be allowed and may retain as his fees for receiving, safe keeping and paying out moneys belonging to the township treasury, two per centum of all moneys paid out by him upon the order of the township trustees. Provided, however, that for all moneys coming into the hands of any township treasurer under the provisions of an act of the general assembly passed March 2, 1892 (O. L., vol. 89, p. 53), or under the provisions of an act of the general assembly passed April 18, 1892 (O. L., vol. 89, p. 409), the treasurer for his services aforesaid shall be allowed and may retain one-half of one per centum.

Fees of township treasurer.

Townships in Van Wert county.

SECTION 2. Said section 1532 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 9, 1893.

111G

[House Bill No. 617.]

AN ACT

To amend section 3047 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3047 of the Revised Statutes of Ohio be amended to read as follows:

Ohio national guard.

Sec. 3047. The commander-in-chief shall issue all commissions. Every person elected to office in the national guard shall, within ten days after the receipt or tender of his commission, take and subscribe the oath prescribed in the constitution of the state, and also an oath of office; the officer who administers the same shall certify the fact on the commission, and transmit a copy of such certificate to the adjutant-general. In case of neglect or refusal to qualify within the time mentioned, he shall be deemed to have resigned his office, and an election shall be ordered to fill the vacancy. Provided, that no officer shall hold two commissions in said national guard.

Commissions; oaths.

Failure to qualify.

Limitation.

SECTION 2. That said section 3047 be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 10, 1893.
113G

[House Bill No. 1035.]

AN ACT

To amend sections 1648, 1650, 1700, 1701 and 1702 of the Revised Statutes of Ohio.

Municipal corporations: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1648, 1650, 1700, 1701 and 1702 of the Revised Statutes be and the same are hereby amended to read as follows:

Officers of hamlets. Sec. 1648. The officers of the hamlet shall consist of three trustees, who shall be electors residing within the corporate limits and who shall hold their offices for three years, except as herein provided, and until their successors are elected and qualified; a clerk and treasurer, each of whom shall be electors in said hamlet and shall hold their offices for two years.

Vacancies. Sec. 1650. The trustees shall have power to fill any vacancies which may happen in any of the offices from the electors of the corporation, and the person so appointed shall continue in office until the next regular election and until his successor is elected and qualified; and any two of the trustees may transact business, but notice of any meeting for the purpose must be given to all.

Quorum. Sec. 1700. The trustees of hamlets shall have power to appoint from the electors of the corporation a marshal, who shall or shall not act as supervisor, as the trustees by ordinance may prescribe; but whenever the trustees of any hamlet shall, by ordinance, provide for the separation of the offices of marshal and supervisor, they shall, annually, during the continuance in force of such an ordinance, appoint from the electors of the corporation a supervisor; and the trustees shall also have power to appoint such other police officer as may be necessary; and they shall, by proper by-laws, resolutions and ordinances, prescribe the duties and compensation of the officers so appointed, and they may remove any such officer and appoint another at their discretion; and the president of the board of trustees shall have the same powers and perform the same duties as are prescribed for mayors of villages, by chapter five, division four, of this title, except that he shall receive no compensa-

Marshal; supervisor; other police officer.

Powers, duties and compensation of president of board of trustees.

tion for his services, except those allowed for similar services to justices of the peace.

Sec. 1701. The treasurer and marshal shall each give bond to the corporation for the faithful performance of his duties, which bond shall be in such amount as the trustees may determine, and it shall be subject to their approval, and, after being recorded in the office of the township clerk, shall remain in their custody; but, if a trustee is principal in such bond, the duties with respect to it shall be performed by the other trustees.

Bond of treasurer and marshal.

Sec. 1702. The clerk shall keep a full record of all the proceedings of the board of trustees, and shall draw orders on the treasurer for the disbursement of moneys of the corporation only on the orders of the trustees; and he shall be entitled to the same fees that township clerks are. The treasurer shall have custody of all moneys of the corporation, and shall disburse the same only on orders signed by the hamlet clerk and authorized by the trustees, and he shall be entitled to the same fees that township treasurers receive.

Duties and fees of clerk and treasurer.

SECTION 2. That said original sections 1648, 1650, 1700, 1701 and 1702 be and the same are hereby repealed, and this act shall take effect from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 10, 1893.

114G

[Senate Bill No. 339.]

AN ACT

To amend an act to prevent barbering on Sundays, passed April 12, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of said act be amended so as to read as follows:

Offenses against public policy:

Sec. 1. That any person who engages in the business of barbering on Sunday shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifteen dollars, and upon a subsequent conviction for a like offense shall be fined not less than twenty dollars and not more than thirty dollars, or imprisoned in the county jail for a period of not less than twenty days nor more than thirty days, or be both fined and imprisoned at the discretion of the court.

Penalty for barbering on Sunday.

SECTION 2. That said original section one is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 14, 1893.
121G

[Senate Bill No. 437.]

AN ACT

To amend section 98 of the Revised Statutes of Ohio.

Gov rnor: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 98 be so amended as to read as follows:

Military staff.

Sec. 98. The governor, as commander-in-chief, shall appoint the following staff officers: One adjutant-general, with the rank of major-general, who shall also be inspector-general and chief of staff; one quartermaster-general, who shall also be commissary-general of subsistence; one surgeon-general, and one judge advocate-general, with the rank of brigadier-general; and the following staff officers, with the rank of colonel: One assistant adjutant-general, one chief of engineers, and such number of aid-de-camp, not exceeding twelve, as in his judgment the best interest of the service may require. The adjutant-general shall have an office in the state-house, and shall receive for his services a salary of two thousand dollars per annum. The assistant adjutant-general shall serve in the office of the adjutant-general, under his directions, and shall have authority to sign, officially, any copy, transcript, or other document pertaining to the records or duties of the office of the adjutant-general, and for his services shall receive a salary of fifteen hundred dollars per annum. In time of peace, and when not otherwise ordered by the governor, the adjutant-general shall also perform the duties of quartermaster-general.

Repeals.

SECTION 2. That said original section ninety-eight (98) be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 14, 1893.
124G

[Senate Bill No. 445.]

AN ACT

To amend section 2 of an act entitled "An act to prevent fraud in the sale of binding twine."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original section two (2) of an act entitled "An act to prevent fraud in the sale of binding twine," passed February 17, 1893, be amended so as to read as follows:

Labeling of
binding twine:

Sec. 2. This act shall take effect and be in force from and after the first day of September, 1893.

When act to
take effect.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives,
ANDREW L. HARRIS,
President of the Senate.

Passed March 14, 1893.
125G

[House Bill No. 716.]

AN ACT

To amend sections 1, 2, 3 and 10 of an act "supplementary to chapter 1, title 6, of the Revised Statutes of Ohio," passed March 20, 1889 (86 O. L., pp. 123 and 124).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 1, 2, 3 and 10 of an act "supplementary to chapter 1, title 6, of the Revised Statutes of Ohio," passed March 20, 1889, be amended so as to read as follows:

County ditches:

Sec. 1. That in all cases where the commissioners of any county in this state shall cause to be constructed, or enlarged, or cleaned out or repaired, any ditch, drain or watercourse the water from which flows into an adjoining county, or into or finds an outlet in any ditch, drain or watercourse constructed or being constructed in an adjoining county, and in all cases where the commissioners of any county in this state shall cause to be constructed, enlarged, cleaned out or repaired any ditch, drain or watercourse which is or may be an outlet for any ditch, drain, watercourse of lands of an upper county, or which, by reason of any proposed improvement thereof, will provide better drainage or a more sufficient outlet for any ditch, drain, watercourse or lands of an upper county, the commissioners of such upper county shall pay to the commissioners of such lower county such sum as may be agreed upon by the commissioners of both counties for the use and benefit of such outlet, which sum the commissioners of said upper county shall apportion to the lands in their county, for

Payment for
benefit of outlet
or drainage af-
forded by ditch
in adjoining
county.

whose benefit said ditch was or is to be constructed; but before any work shall be begun in the construction, enlarging, cleaning out or repairing of any ditch, drain or watercourse in either of said counties, the amount to be paid by the commissioners of the said upper county to the commissioners of the said lower county, for the use and benefit or burden of such outlet, shall be wholly agreed upon or determined, and ditches, drains or watercourses which provide drainage, or when constructed will provide drainage for land in more than one county, may be constructed, enlarged, cleaned out or repaired, as provided in this act and the laws prescribed for constructing, enlarging, cleaning out or repairing single county ditches, drains or watercourses.

Proceedings on failure to agree or pay.

Sec. 2. On failure to agree or pay as provided in the preceding section, the commissioners of such lower county may commence in the probate court of either of said counties, their action against the commissioners so refusing to agree or pay, setting forth the fact that proceedings have been begun for any such improvement, and the reasons why the commissioners of the upper county should pay to the commissioners of the lower county a compensation for such outlet or proposed outlet, and the failure to agree or pay as provided in the preceding section, and praying for the relief hereinafter provided for.

Further proceedings.

Sec. 3. The court being satisfied of the existence of proceedings for any such improvement, and the failure to agree or pay as aforesaid, shall appoint two disinterested freeholders, not residents or owners of real property, of either of said counties, and immediately notify the probate court of the other county interested in said ditch or ditch improvement, who shall, in like manner, appoint two other freeholders not residents or owners of real property in either county, and notify the court in which such proceedings were commenced, giving names and post-office address of those appointed, and the said court in which proceedings were commenced shall, within ten days thereafter, notify said four persons thus appointed, giving them full and explicit instructions and the time and place of meeting, who shall, within thirty days thereafter, upon actual view of the outlet ditch, or of the territory to be drained by any such proposed improvement, and of the ditch or ditches in the upper county, and of the land to be drained in the upper county, whose waters flow into said outlet, or which will flow into any such proposed outlet or proposed improvement thereof, estimate and report to the court the amount which should justly be paid by said upper county to said lower county for the use and benefit of said outlet ditch, or for any improvement thereof, which order of appointment, together with full and explicit instructions to said appointees, shall be entered on the journal of said court, and a copy thereof sent forthwith by the clerk to each of said appointees. Provided, that if said board of four freeholders

shall not be able to agree upon the amount to be paid by said upper county to said lower county, then they shall call to their assistance one other freeholder who shall not be a resident or owner of real property of either of said counties, and the said five freeholders shall forthwith proceed to determine the amount of damages the said upper county shall pay to the said lower county, and report the same as herein provided.

Sec. 10. All proceedings for the construction, cleaning out, repairing or enlarging either of said ditches, in either the upper or lower counties, whether or not the same have been originally constructed as joint ditches or whether or not the ditch to be constructed might be a joint ditch, may be commenced and conducted in the manner prescribed by this act and the law prescribed for single county ditches; but in addition to the manner of procedure prescribed in this act for the construction, enlarging, cleaning out or repairing of any ditch, which furnishes or may furnish drainage for more than one county, proceedings shall be commenced and conducted in the manner prescribed by law for the construction of joint ditches, whenever a majority of each board of commissioners of such counties shall so agree; but in all cases where such commissioners do not agree or determine to proceed under the laws for the construction of joint ditches, all such proceedings in reference thereto, shall be conducted as provided by this act and the laws for single county ditches.

Proceedings for construction, cleaning out, repairing or enlarging of ditch in either upper or lower county, or furnishing drainage for more than one county.

SECTION 2. Said original sections 1, 2, 3 and 10 are hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 14, 1893.
128G

[House Bill No. 1069.]

AN ACT

To provide for a state board of arbitration for the settlement of differences between employers and their employes and to repeal an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration, to adjust industrial disputes between employers and employes," passed February 10th, 1885.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That within thirty days after the passage of this act, the governor of the state with the advice and consent of the senate, shall appoint three competent persons to serve as a state board of arbitration and conciliation in the manner hereinafter provided. One of

State board of arbitration and conciliation: appointment and qualifications of members.

them shall be an employer or selected from some association representing employers of labor, one of them shall be an employe or an employee selected from some labor organization and not an employer of labor, and the third shall be appointed upon the recommendation of the other two; provided, however, that if the two appointed do not agree on the third man at the expiration of thirty days, he shall be appointed by the governor; and provided, also, that appointments made when the senate is not in session may be confirmed at the next ensuing session.

Term.

SECTION 2. One shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner above provided. If, for any reason a vacancy occurs at any time, the governor shall, in the same manner, appoint some person to serve out the unexpired term, and he may remove any member of said board.

Vacancy; removal.

Oath.

SECTION 3. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish such rules of procedure as shall be approved by the governor.

Chairman and secretary.

Rules of procedure.

Adjustment of differences between employer and employes.

SECTION 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the state, exists between an employer, whether an individual, copartnership, or corporation and his employes, if, at the time he employs not less than twenty-five persons in the same general line of business in any city or county in this state, the board shall, upon application as hereinafter provided and as soon as practical thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

Written decision in case of failure of such mediation.

SECTION 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the city or county where said business is carried on.

Application for arbitration and conciliation.

SECTION 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy; and shall be signed in the respective instances by said employer or by a majority of his employes in the department of the business in which the controversy or difference exists, or the duly authorized agent of either

or both parties. When an application is signed by an agent claiming to represent a majority of such employes, the board shall satisfy itself that such agent is duly authorized in writing to represent such employes, but the names of the employes giving such authority shall be kept secret by said board.

SECTION 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said board, if it shall be made within ten days of the date of filing said application.

Contents of application.

SECTION 8. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein without the written consent of the adverse party.

Notice of time and place for hearing controversy.

SECTION 9. The board shall have power to summon as witnesses any operative in the department of business affected, and any person who keeps the records of wages earned in those departments, and examine them under oath and to require the production of books or papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the board.

Failure to perform promise made in application.

Power to summon and examine witnesses, administer oaths and require production of documents.

SECTION 10. The parties to any controversy or difference, as described in section 4 of this act, may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may either be mutually agreed upon, or the employer may designate one of the arbitrators, the employes or their duly authorized agent another, and the two arbitrators so designated may choose a third, who shall be chairman of the board.

Submission of controversy to local board of arbitration and conciliation; selection of such board; chairman.

SECTION 11. Such local board of arbitration shall, in respect to the matters referred to it, have and exercise all the powers which the state board might have and exercise, and its decision shall have whatever binding effect may be agreed by the parties to the controversy in the written submission. The jurisdiction of such local board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the state board. The decision of said board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the city or county in

Powers and jurisdiction of local board; decisions of such board.

which the controversy or difference arose, and a copy thereof shall be forwarded to the state board.

Compensation
of members of
local board.

SECTION 12. Each of such arbitrators of such a local board shall be entitled to receive from the treasury of the city or county in which the controversy or difference that is the subject of the arbitrators exists, if such payment is approved in writing by the city council or the administrative board of such city or board of county commissioners of such county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

Mayor or probate judge to
notify state
board of strike
or lockout.

SECTION 13. Whenever it is made to appear to the mayor of a city or the judge of the probate court of a county that a strike or lockout is seriously threatened, or actually occurs, the mayor of such city or the judge of the probate court of the county shall at once notify the state board of the facts. Whenever it shall come to the knowledge of the state board, either by the notice from the mayor of a city or the judge of the probate court of the county, as provided in the preceding part of this section or otherwise, that a strike or lockout is seriously threatened, or has actually occurred, in any city or county of this state, involving an employer and his present or past employes, if at the time he is employing, or up to the occurrence of the strike or lockout, was employing not less than twenty-five persons in the same general line of business in any city or county in the state, it shall be the duty of the state board to put itself in communication as soon as may be with such employer and employes.

State board to
endeavor to
effect amicable
settlement or
induce arbitration
of controversy, investigate
and report
cause thereof
and assign responsibility.

SECTION 14. It shall be the duty of the state board in the above described cases to endeavor, by mediation or conciliation, to effect an amicable settlement between them, or to endeavor to persuade them, provided a strike or lockout has not actually occurred, or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation, as above provided, or to the state board, and said state board may, if it deems it advisable, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section nine of this act.

Fees and mileage of witnesses
summoned by
state board.

SECTION 15. Witnesses summoned by the state board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall state in writing the amount of his travel and attendance, and said state board shall certify the amount due each witness to the auditor of the county in which the controversy or difference exists,

who shall issue his warrant upon the treasury of said county for the said amount.

SECTION 16. The said state board shall make a yearly report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the relations of and disputes between employers and employees.

Annual report
of state board.

SECTION 17. The members of the said state board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly, certify the amount due each member, and on presentation of his certificate the auditor of the state shall draw his warrant on the treasury of the state for the amount. When the state board meets at the capitol of the state, the adjutant-general shall provide rooms suitable for such meeting.

Compensation
and expenses of
members of
state board;
rooms for meet-
ing in capitol.

SECTION 18. That an act entitled "An act to authorize the creation and to provide for the operation of tribunals of voluntary arbitration to adjust industrial disputes between employers and employees," of the Revised Statutes of the state, passed February 10, 1885, is hereby repealed.

Repeals.

SECTION 19. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 14, 1898.

129G

[House Bill No. 1149.]

AN ACT

To amend and supplement certain sections of the Revised Statutes, relating to the powers and duties of the state and local boards of health.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2113, 2115, 2116, 2118, 2119, 2120, 2121, 2122, 2128, 2129, 2130, 2133, 2135, 2136, 2137, 2138, 2139, 2142, 2143, 2144 of the Revised Statutes, and sections 2, 5 and 7 of an act to create and establish a state board of health in the state of Ohio, passed April 14, 1886 (O. L., vol. 83, p. 77), be so amended as to read as follows:

Board of health:

Sec. 2113. The council of each city and village shall establish a board of health; such board shall be composed of the mayor, who shall be president by virtue of his office, and six members, to be appointed by the council, not more than two of whom shall be medical practitioners, who shall serve

City and village
boards of health.

Exception as to
certain cities.

Health-officer;
clerk; ward or
district physi-
cians; care of
quarantined
persons.

Control, duties,
salaries and
term of appoin-
tees.

Abatement of
nuisances.

Offensive or dan-
gerous accumu-
lations.

Registration of
births, mar-
riages, deaths
and interments.

Infectious or
contagious
disease.

Notice of prev-
alence of infec-
tious or conta-
gious disease;
duties of board.

without compensation, and a majority of whom shall constitute a quorum. Provided, that none of the provisions of this section shall apply to cities of the first class nor to cities of the first or second grade of the second class.

Sec. 2115. The board shall appoint a health-officer, who shall furnish his name and address and such other information as may be required by the state board of health; and shall appoint a clerk, and may appoint as many ward or district physicians as it may deem necessary for the care of the sick poor, and persons under quarantine surveillance, and may provide for such quarantined persons necessary attendants, nurses, medicine and support until convalescent. The board shall have exclusive control of their appointees, and define their duties and fix their salaries; and all such appointees shall serve during the pleasure of the board.

Sec. 2116. The board of health shall abate and remove all nuisances within its jurisdiction. It may compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure upon or in which any nuisance may be, to abate and remove the same by orders therefor, and treat the neglect or refusal to obey orders for such purpose as a misdemeanor punishable as hereinafter provided. The board may, also, by its own officers and employes, abate and remove nuisances, and certify the cost and expenses of such suppression, removal or abatement, to the county auditor, to be assessed against the property, and thereby made a lien thereon, and collected as other taxes. The board of health may regulate the location, construction, repair, use, emptying, and cleaning of all water-closets, privies, cess-pools, sinks, plumbing, drains, yards, pens, stables, or other places where offensive or dangerous substances or liquids are or may accumulate. The board may create a complete and accurate system of registration of births, marriages, deaths, and interments occurring in such corporation, for the purposes of legal and genealogical investigations, and to furnish facts for statistical, scientific, and sanitary inquiries; and when complaint is made, or a reasonable belief exists, that an infectious or contagious disease prevails in any house or other locality, the board may cause such house or locality to be inspected by its proper officers, and on discovering that such infectious or contagious disease exists, may, as it deems best, send the persons so diseased to the pest-house or hospital, or may restrain them and others exposed within said house or locality from intercourse with other persons, and prohibit ingress or egress to or from such premises.

Sec. 2118. Every physician called to attend a person sick with cholera, yellow fever, small-pox, diphtheria, scarlet fever, or any other disease dangerous to the public health, or required by the state board of health to be reported, shall, within twelve hours after becoming aware of the nature of the disease, report the same to the board of health within whose jurisdiction such person is found; and

in like manner, it shall be the duty of the owner, or agent of the owner of a building in which a person resides who has any of the diseases named or provided against, or in which are the remains of a person having died of any such disease, and the head of the family, immediately after becoming aware of the fact, to give notice thereof to the board of health or nearest officer of said board, who shall immediately make all precautionary arrangements prescribed by the state or local board of health. It shall be the duty of the board of health within whose jurisdiction occurs any failure to obey literally the provisions of this section, or prevailing orders to the same purpose, of any board of health having jurisdiction, to prosecute the person or persons so failing to obey the same, as hereinafter provided.

Sec. 2119. No person shall remove or convey a corpse either for burial or transportation, to or from any city, village or township, without a permit from the board of health; and no common carrier, its agent, conductor, or other employe shall receive for conveyance, or convey the remains of a deceased person without first having complied with such regulations as shall be made by the state board of health.

Removal or conveyance of corpse.

Sec. 2120. The board of health in cities and villages shall elect one of their number president, pro tem., who shall preside in the absence of the mayor, and shall do and perform all duties incumbent upon the president. The board shall meet for the transaction of business at least once in each calendar month, and as much oftener as is necessary for the prompt and thorough transaction of its business. All special meetings shall be called by the president, or three members. Each board of health shall procure suitable books, blanks, and other things actually necessary to the transaction of its business. Among the books to be procured and kept shall be a suitable book or books for the registration of births and deaths, and cases of infectious or contagious diseases.

President pro tem. of city and village boards; meetings; books, blanks, etc.

Sec. 2121. In each township the trustees of the township shall constitute a board of health, which shall be for the township outside the limits of any city or village; and such boards shall have the same duties and powers as are herein imposed upon or granted to boards of health in cities and villages. They shall annually elect one of their number president, and the township clerk shall be clerk of the board of health; they may appoint a health officer and as many sanitary officers as they deem necessary to carry out the provisions of this act, and define their duties and fix their compensation; and such appointees shall serve during the pleasure of the board.

Township board of health; duties and powers.

President; clerk; health officer; sanitary officers.

Sec. 2122. The board of health of any city, village or township may make such orders and regulations as it may deem necessary for its own government, for the public health, the prevention or restriction of disease, and the abatement or suppression of nuisances. All orders and

Orders and regulations of city, village or township boards.

Scavengers in
certain cities.

regulations not for the government of the board, but intended for the general public, shall be adopted, advertised, recorded and certified as are ordinances of cities and villages; and the record thereof shall be given, in all courts of the state, the same force and effect as is given such ordinances. The council of cities of the second grade of the first class, and the council of cities of the third and fourth grade, second class, may grant power to the board of health therein to employ such number of scavengers for the removal of swill, garbage and offal from the houses, buildings, yards, and lots within the city as it may deem necessary; and the board in such cases may make the contracts therefor, subject to the approval of the council, and to be signed by the proper officers of the council, and may regulate the work to be done.

Public nuisances; abatement of same.

Sec. 2128. When any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board of health, in a condition dangerous to life or health, and when any building or structure is occupied or rented for living or business purposes, and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board of health may declare the same a public nuisance, and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified, by the owner, agent or other person or persons having control of the same, or being responsible for the condition; and the refusal or neglect to obey said order shall be a misdemeanor, punishable as hereinafter provided. The board may also, by its officers and employes, remove, abate, suspend, alter, or otherwise improve or purify the same, and certify the cost and expense thereof to the county auditor, to be assessed against the property, and thereby made a lien upon the same, and collected as other taxes.

Proceedings in
cases where
order of board
neglected or dis-
regarded.

Sec. 2129. In all cases where the order of the board of health is neglected or disregarded, in whole or in part, the board may elect to cause the arrest and prosecution of the person or persons offending as hereinafter provided, or may elect to do and perform, by its officers and employes, what the offending party should have done. If the latter course is chosen, before the execution of the order of the board is begun, it shall cause a citation to issue, and be served upon the person or persons responsible, if residing within the jurisdiction of the board; but if not, shall cause it to be mailed by registered letter to said person, if the address is known or can be found by ordinary diligence; and if the address can not be found by ordinary diligence, shall cause the citation to be left upon the premises, in charge of any person residing thereon; otherwise it shall be posted conspicuously thereon. The citation shall briefly recite the cause of complaint, and require the owner or other person or persons responsible, to appear before the board of health at a time and place stated, or as soon thereafter as a hear-

ing can be had, and show cause, if any, why the board should not proceed and furnish the material and labor necessary to, and remove the cause of complaint.

Sec. 2130. If the person or persons cited appear, he or they shall be fully apprised of the cause of complaint and given a fair hearing. The board shall then make such order as it deems proper, and if material or labor is necessary to satisfy the order, and the person or persons cited promise, within a definite and reasonable time, to furnish the same, the board shall grant such time; but if no such promise is made, or kept, the board shall furnish the material and labor, cause the work to be done, and certify the cost and expense to the auditor of the county. If the material and labor are itemized, and the statement is accompanied by the certificate of the president of the board, attested by the clerk, reciting the order of the board, and that the amount is correct, the auditor shall have no discretion, but shall place the sum against the property upon which the material and labor were expended, which shall, from the date of entry, be a lien upon the property, and be paid as other taxes are paid.

Further proceedings.

Sec. 2133. The board of health may appoint such number of inspectors of dairies, slaughter-houses, shops, wagons, appliances, food and water supplies for animals, milk, meat, butter, cheese, and substances purporting to be butter or cheese, or having the semblance of butter and cheese, and such other persons as may be necessary to carry out the provisions of this chapter, define their duties, and fix their compensation; and such inspectors may, for such purpose, enter any house, vehicle or yard; and the board of health shall keep for public inspection a record of the names, residence, and places of business of all persons engaged in the sale of milk and meat, and may require permits, after inspection, to vend either milk or meat.

Inspectors.

Record of milk and meat dealers; permit to vend milk or meat.

Sec. 2135. The board of health may take measures and supply agents and afford inducements and facilities for gratuitous vaccination, and may furnish disinfectants and enforce disinfection. It may afford medical or other relief to and among the poor of the corporation as in its opinion the protection of the public health may require, and during the prevalence of any epidemic may provide temporary hospitals for such purposes; and the said board is hereby required to inspect semi-annually, and oftener if in the judgment of the board it shall be deemed necessary, the sanitary condition of all schools and school buildings within its jurisdiction and may, during an epidemic or threatened epidemic, close any school, and prohibit public gatherings for such time as it may deem necessary.

Gratuitous vaccination and disinfectants; enforcement of disinfection; relief of poor; temporary hospitals

Inspection of sanitary condition of schools and school buildings; close of schools and prohibition of public gatherings.

Sec. 2136. It shall be the duty of the board of health, or health department, on or before the first Monday of March in each year to make a report, in writing, to the council of the corporation, and to the state board of health, upon the sanitary condition and prospects of such city or

Sanitary reports.

village, which report shall contain the statistics of deaths, the action of the board and its officers and agents, and the names thereof for the past year; and it may contain other useful information, and the board shall suggest therein any further legislative action deemed proper for the better protection of life and health; and it shall be the duty of said boards of health and health departments to promptly furnish special reports as may be called for by the state board of health.

Pena'ty for violation, obstruction, interference or omission.

Sec. 2137. Whoever violates any provisions of this chapter, or any order or regulation of the board of health made in pursuance thereof, or obstructs or interferes with the execution of any such order, or wilfully or illegally omits to obey any such order, shall be fined in any sum not exceeding one hundred dollars, or imprisoned for any time not exceeding ninety days, or both; but no person shall be imprisoned under this section for the first offense, and the prosecution shall always be as and for a first offense, unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a second or repeated offense.

Violation, obstruction, interference or omission by corporation.

Sec. 2138. If such violation, obstruction, interference, or omission be by a corporation, it shall forfeit and pay to the proper city, village, or township, any sum not exceeding three hundred dollars, to be collected in a civil action brought in the name of such city, village, or township; and any officer of such corporation having authority over the matter, and permitting such violation, shall be subject to fine or imprisonment, or both as heretofore provided. The judgment herein authorized being in the nature of a penalty, or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify a recovery, shall determine the amount by reference to all the facts, culpatory, exculpatory or extenuating, adduced upon the trial.

Institution of prosecutions and civil actions.

Proceedings when imprisonment primary penalty.

Sec. 2139. Prosecutions under this chapter and the civil action provided for in the preceding section, shall be instituted before any justice of the peace within the county, or justice of the peace, mayor, or police judge of the city or village where the offense was committed, or the offending person resides. If imprisonment is, or may be a primary penalty, the court shall, after plea of not guilty, unless a trial by jury is waived, issue a venire to any constable of the county, containing the names of sixteen electors residing within the county, to serve as jurors to try such cause. Each party shall be entitled to two peremptory challenges, and challenges for cause in all particulars, as in criminal cases in the court of common pleas. If the sixteen names be exhausted without obtaining a panel of twelve, the court may direct the constable to summon any of the bystanders to fill the panel to twelve, or on demand, shall issue other venires for four electors at a time, until the panel of twelve

is full. In prosecutions under this chapter, no deposit for costs shall be required; and a judgment or verdict of guilty shall be immediately followed by sentence and execution thereof, unless suspended pending the preparation and allowance of a bill of exceptions; and all fines collected under this chapter shall be paid to the treasurer of the municipality or township and credited to the sanitary fund of the board of health instituting the prosecution. No fine imposed in any prosecution under this section shall be remitted by the magistrate before whom the complaint is made.

Deposit for costs; execution of sentence.

Fines.

Sec. 2142. Any city, village or township may establish a quarantine ground or grounds, within or without its own limits; but if such place be without its limits, the consent of the municipality or township within which it is proposed to establish it, shall be first obtained. The boards of health within the city, village, or township, having quarantine grounds, dump-grounds, garbage and night-soil crematories, or other property intended or used for sanitary purposes, shall have exclusive control of the same.

Quarantine grounds.

Control of property used for sanitary purposes.

Sec. 2143. The state board of health, or the board of health of [of] any city, village or township, in time of epidemic, or threatened epidemic, may establish a quarantine on vessels, railroads, stages, or any other public or private vehicles conveying persons, baggage or freight, or used for such purpose, and may make such rules and regulations as may be deemed wise and necessary for the protection of the health of the people of the community or state. Such quarantine and rules and regulations, when established by a local board of health, after careful investigation by the proper officer of the state board of health, may be altered, relaxed, or abolished by the order of said state board of health, and thereafter no change shall be made except by the order of the state board of health, or to meet some new and sudden emergency.

Quarantine on vessels, railroads, stages, etc.; rules and regulations for protection of health.

Sec. 2144. Whenever quarantine is declared, all railroad, steamboat, or other corporations, and the owners, consignees or assignees of any railroad, steamboat, stage, or other vehicle used for the transportation of passengers, baggage or freight, shall submit to any rules or regulations imposed by any board of health or health-officers; they shall submit to any examination required by the health authorities respecting any circumstance or event touching the health of the crew, operatives or passengers, and the sanitary condition of the baggage and freight; and any owner, consignee or assignee, or other person interested as aforesaid, who makes any unfounded statement or declaration respecting the points under examination, shall, upon conviction thereof before any court or justice of the peace, be subjected to the penalties herein provided for violations of the requirements of this chapter, and the orders of the state or local boards of health.

Effect of declaring quarantine.

Erection of
necessary build-
ings; employ-
ment of neces-
sary help.

Disinfection,
renovation or de-
struction of
articles; re-
placement of
same.

General powers
and duties of
state board of
health.

Payment of
local expenses.

Enforcement of
rules and regu-
lations adopted
by board.

Penalty for
failure or re-
fusal.

Further powers
and duties of
board.

Sec. 2146. The state board of health or any local board of health shall be authorized to erect any temporary wooden buildings or field hospitals deemed necessary for the isolation or protection of persons or freight supposed to be infected, and may employ nurses, physicians and laborers sufficient to operate the same properly, and sufficient police to guard the same. The board of health may cause the disinfection, renovation or complete destruction of bedding, clothing, or other property belonging to corporations or individuals, when such action seems to such board necessary, or a reasonable precaution against the spread of contagious or infectious diseases; and to the indigent poor it may replace clothing or other articles so destroyed.

Sec. 2. The state board of health shall have supervision of all matters relating to the preservation of the life and health of the people of the state. The board shall have supreme authority in matters of quarantine, and may declare and enforce it when none exists, may modify, relax, or abolish it when it has been established. The board may make special or standing orders or regulations for the prevention of the spread of contagious or infectious diseases, and for governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by a universal rule. It may also make and enforce orders in local matters, when emergency exists, and the local board of health has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided in this chapter, and all necessary expenses so incurred shall be paid by the city, village, or township for which services are rendered. It shall be the duty of all local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city or township thereof, to enforce such quarantine and sanitary rules and regulations as may be adopted by the state board of health, and in the event of failure or refusal on the part of any member of said boards or other officials, or persons in this section mentioned to so act, he or they shall be subject to a fine of not less than fifty dollars, upon first conviction, and upon a conviction of second offense of not less than one hundred dollars. The board shall make careful inquiry as to the cause of disease especially when contagious, infectious, epidemic, or endemic, and take prompt action to control and suppress it. The reports of births and deaths, the sanitary condition and effects of localities, employments, the personal and business habits of the people, the relation of the diseases of beast and man, shall be subjects of careful study by the board; and it may make and execute orders necessary to protect the people against diseases of lower animals. It shall collect and preserve such information in respect to such matters and kindred subjects as may be useful in the discharge of its duties and for dissemination among the people. It shall respond promptly, when called

upon by the state or local governments and municipal or township boards of health, to investigate and report upon the water supply, sewerage, disposal of excreta, heating, plumbing, or ventilation of any place or public building; and no city, village, corporation or person shall introduce a public water supply or system of sewerage, or change or extend any public water supply or outlet of any system of sewerage now in use, unless the proposed source of such water supply or outlet for such sewerage system shall have been submitted to and received the approval of the state board of health.

Sec. 5. All prosecutions and proceedings instituted by the state board of health, for the violations of any of the provisions of this chapter, or any other laws to be enforced by this board, or for the violation of any of the orders or regulations of the state board of health, shall be instituted by its proper officer on the order of the board; and all laws prescribing the modes of procedure, courts, practice, and penalties or judgments applicable to local boards of health, shall apply to the state board of health, and the violation of its laws or orders; and all fines or judgments collected or received, shall be paid over to the state treasurer, and credited to the fund created for the support of the state board of health.

Institution of prosecutions and proceedings.

Application of laws.

Fines or judgments.

Sec. 7. They shall elect a secretary, who shall perform the duties prescribed by the board and by this act, and who shall, upon cause, be removed by a majority vote; he shall receive a salary not to exceed two thousand dollars (\$2,000) per annum, which shall be fixed by the board; he shall also receive his traveling and other expenses incurred in the performance of his official duties. The members of the board shall receive five dollars per day, and their traveling and other expenses while employed on business of the board. The president of the board shall certify the amount due the members and secretary, and on presentation of his certificate the auditor of state shall draw his warrant on the treasurer for the amount.

Secretary: election, duties, removal, salary and expenses of

Compensation and expenses of members; payment of members and secretary.

SECTION 2. That said sections 2113, 2115, 2116, 2118, 2119, 2120, 2121, 2122, 2128, 2129, 2130, 2133, 2135, 2136, 2137, 2138, 2139, 2142, 2143 and 2144 of the Revised Statutes and as heretofore amended and sections 2, 5 and 7 of "An act to create and establish a state board of health in the state of Ohio," passed April 14, 1886 (O. L., vol. 83, p. 77), be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate

Passed March 14, 1893.
132G

[House Bill No. 1189.]

AN ACT

To amend section 4002 of the Revised Statutes of Ohio.

Cleveland public library:

Library tax.

How library fund to be expended.

Repeals, etc

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4002 of the Revised Statutes be amended so as to read as follows:

Sec. 4002. For the purpose of increasing and maintaining the public library in said city, and the territory thereto attached for school purposes, such library board may levy annually a tax of three and three-fourths tenths of one mill on each dollar valuation of the taxable property of said city and the territory thereto attached for school purposes, to be levied, collected and paid in the same manner as the school taxes of the city; all money appropriated, received or collected by tax for the library, shall be expended under the direction of the library board in purchasing such books, pamphlets, papers, magazines, periodicals, journals and other property, as may be deemed suitable for the public library, and in payment of all other charges and expenses, including compensation to the librarian, assistants and help, that may be incurred in increasing and maintaining the library; and the pay-rolls and all warrants upon the treasurer given to pay such expenditures, upon the order of the library board, be certified by the president and secretary of such board, and paid by the treasurer of the city from such library fund.

SECTION 2. That said section 4002 of the Revised Statutes be and the same is hereby repealed and this act shall take effect and be in force on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 14, 1893.

183G

[Senate Bill No. 172.]

AN ACT

To authorize the election of one additional judge of the court of common pleas in the third subdivision of the fifth judicial district.

Additional judge in third subdivision of fifth district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the fifth judicial district of the state of Ohio there shall be one additional judge of the court of common pleas, who shall be a resident of the third subdivision of said district, composed of the counties of Pickaway, Franklin and Madison, to be elected by the qualified voters of said counties, as herein provided.

SECTION 2. That the first election for said additional judge shall be held on the first Monday in April, A. D. 1893, and his term of office shall commence on the second Monday in May thereafter.

First election and beginning of term.

SECTION 3. That it shall be the duty of the sheriff in each county in said subdivision, at least fifteen days prior to said first Monday of April, 1893, and at least fifteen days prior to the first Monday of April hereafter in each year, when an election for such additional judge is to be held, to give notice, by proclamation, of the time and place of holding such election, which shall be conducted and the returns thereof made in the same manner as required by law in case of the election of other judges of the court of common pleas.

Notice of election and conduct and returns thereof.

SECTION 4. That the certificates of nomination of candidates for said office for the first election to be held under this act shall be filed with the board of deputy state supervisors of elections in the said several counties in said subdivision at least ten days prior to said election.

Filing of certificates of nomination for first election.

SECTION 5. That the said additional judge shall receive the same salary as other judges of the court of common pleas, and, when so elected and qualified, he shall have in all respects the same powers and jurisdiction, and discharge all the duties, as are conferred and enjoined by the constitution and laws of the state upon the judges of said court; and any vacancies that may occur in the office of such additional judge, by death, resignation, or otherwise, shall be filled as in other cases of vacancy in the office of judge of said court.

Salary, powers, jurisdiction and duties of judge.

Vacancies.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 15, 1893.
137G

[House Bill No. 1229.]

AN ACT

Providing for the payment of the expenses of Harry W. Paxton, contestee in the Frazer and Paxton contest for the office of representative to the general assembly from Clermont county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be paid Harry W. Paxton the sum of two hundred dollars (\$200.00) out of any funds in the treasury not otherwise appropriated, for the purpose of defraying the costs of aforesaid Harry W. Paxton in the contested election case of Frazer against Paxton, for representative from Clermont county to the general assembly of Ohio. And the auditor of state is hereby directed to

Appropriation for Harry W. Paxton.

draw his warrant on the treasurer of state in favor of said Paxton for said amount.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 15, 1893.
140G

[House Bill No. 236.]

AN ACT

To amend section 1458 of the Revised Statutes of Ohio.

Officers of civil
townships:

Settlement of
accounts of su-
pervisors and
treasurer and
other claims.

Settlement of
treasurer with
board of educa-
tion of township
district.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1458 of the Revised Statutes be amended so as to read as follows:

Sec. 1458. At the said March meeting the trustees shall settle the accounts of supervisors and of the treasurer, and for this purpose the supervisors and treasurer shall attend said meeting, and at the same meeting the trustees shall examine and settle all other claims against the township not before settled; and at the said March meeting the treasurer shall settle with the board of education of the township district, and for this purpose the treasurer of the township and the clerk and president of the board of education of the township district shall attend said meeting.

SECTION 2. That said original section 1458 be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 17, 1893.
141G

[Senate Bill No. 409.]

AN ACT

To provide for the redemption of bonds and payment of interest on the mortgage debt upon the Ohio state fair grounds.

Appropriation
for payment of
debt of Ohio
state board of
agriculture

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from money belonging to the sinking fund (received from the treasury of the United States as the portion of the state of Ohio of the direct tax reimbursement), the follow-

ing sums for the purpose of paying the debt of the Ohio state board of agriculture, as herein named: To redeem first mortgage bonds of said board, payable July 1, 1893, of the sixty thousand dollar issue, authorized by act of the general assembly, passed May 1, 1885, which are then payable, five thousand dollars (\$5,000.00); for one year's interest on the total unpaid bonds of said issue, two thousand seven hundred dollars (\$2,700.00).

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 17, 1893.

143G

[House Bill No. 1129.]

AN ACT

Supplementary to sections 2729, 2729a, 2729b, 2729d, and 2729e, of the Revised Statutes of Ohio, to authorize cities of the first grade of the second class to refund bonds at a lower rate of interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following be enacted as supplementary to sections twenty-seven hundred and twenty-nine, twenty-seven hundred and twenty-nine (a), twenty-seven hundred and twenty-nine (b), twenty-seven hundred and twenty-nine (d), and twenty-seven hundred and twenty-nine (e) of the Revised Statutes of Ohio, with sectional numbering as follows:

Sinking fund:

Sec. 2729g. The trustees of the sinking fund in cities of the first grade of the second class, for the purpose of refunding at a lower rate of interest such bonds of such cities as may be callable at option, shall have the power to make and issue the bonds of such city, with coupons attached, to run for such periods of time as may be determined by them not exceeding twenty years, and in no case for a longer period than the time of maturity of the bonds for which they were exchanged and to bear interest not exceeding four and one-half per cent. per annum, payable semi-annually in the city of New York. Said bonds shall be known as the consolidated street improvement bonds of the city of—

Consolidated street improvement bonds of the city of Columbus, Ohio.

Ohio [filling the blank with the name of the city issuing the bonds], shall be signed by the president of the trustees of the sinking fund, countersigned by the clerk of said trustees and have the seal of the city issuing them affixed. Said bonds shall bear such date as may be determined by said trustees, shall be numbered consecutively beginning at one, shall not exceed in the aggregate the sum of three million

dollars, and each coupon attached to said bonds shall have printed or lithographed thereon a facsimile of the signature of the auditor of said city. Said trustees shall have power to exchange at not less than par the bonds herein authorized, for such optional bonds as the holders thereof may desire to surrender, and the necessary expenses of preparing said bonds and of negotiating their exchange shall be paid out of the general sinking fund of the city, provided that these expenses shall not exceed one-half of one per cent. of the amount of the bonds refunded, unless authorized by a four-fifths vote of said trustees.

Relative to issue and redemption of such bonds.

Sec. 2729 $\frac{1}{2}$. Such of the bonds provided for in the preceding section as may be exchanged for bonds which are payable out of or chargeable upon a special fund or source of revenue, or are secured in whole or in part by any lien upon abutting property, shall be so lettered and numbered as to show the debt to which they are applicable. The clerk of the trustees of the sinking fund shall keep separate accounts of the proceeds and application of the revenues and sinking fund applicable to each class of said bonds, unless and until otherwise provided by law; and in case the funds derived from any special source of revenue or assessment should, for any cause, be insufficient to pay the principal or interest of such bonds when they mature, the property, credit and revenues of the city shall stand pledged for their payment, and the trustees of the sinking fund are hereby authorized to pay the same out of any funds under their control; but nothing in this act shall be construed to impair the validity of, or modify the liens or assessments made or to be made for the payment of the principal and interest of bonds now outstanding, or to modify the right of any person to pay off in full the assessments upon his property as now provided by law.

Liens or assessments.

Application of provisions of certain sections.

Sec. 2729 $\frac{1}{2}$. The provisions of sections twenty-seven hundred and seventeen, twenty-seven hundred and eighteen, twenty-seven hundred and nineteen, twenty-seven hundred and twenty, twenty-seven hundred and twenty-three, twenty-seven hundred and twenty-five, twenty-seven hundred and twenty-seven, twenty-seven hundred and twenty-eight and twenty-seven hundred and twenty-nine (*e*), relating to cities of the first grade of the first class, are hereby made applicable to cities of the first grade of the second class; and all acts or parts of acts in conflict with the provisions of this act, are hereby repealed in so far as they may apply to the trustees of the sinking fund of cities of the first grade of the second class.

Conflicting acts.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 17, 1893.

146G

[House Bill No. 1170.]

AN ACT

To amend section 6454 of the Revised Statutes, as amended April 11, 1890 (O. L. vol. 87, pages 161 and 162), and as amended April 24, 1890 (O. L. vol. 87, page 274).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6454 of the Revised Statutes of Ohio, as amended April 11, 1890 (O. L. vol. 87, pages 161 and 162), and as amended April 24, 1890 (O. L. vol. 87, page 274), be amended so as to read as follows:

Sec. 6454. The probate court shall have jurisdiction concurrent with the court of common pleas in all misdemeanors, and in all proceedings to prevent crime, in the following counties: Cuyahoga, Ashtabula, Lake, Lucas, Montgomery, Erie, Richland, Scioto, Holmes, Meigs, Henry, Belmont, Stark, Ottawa, Williams, Allen, Wood, Sandusky, Darke, Wyandot, Coshocton, Defiance, Portage, Clermont, Carroll, Gallia, Hocking, Brown, Lorain, Columbiana, Madison, Clinton, Shelby, Geauga, Mahoning, Jefferson, Monroe, Hancock, Adams, Highland, Licking, Knox, Miami, Fayette, Perry, Tuscarawas, Guernsey, Paulding, Greene, Lawrence, Crawford, Ashland, Washington, Athens, Pike, Summit, Hardin, Morgan, Trumbull, Logan, Morrow, Muskingum, Marion, Warren, Pickaway, Seneca, Ross, Butler, Huron, Jackson, Van Wert, Union, Wayne and Noble.

SECTION 2. That section 6454 of the Revised Statutes, as amended April 11, 1890 (O. L. vol. 87, pages 161 and 162), and as amended April 24, 1890 (O. L. vol. 87, page 274), be and the same are [is] hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 17, 1893.
147G

[House Bill No. 1525.]

AN ACT

To authorize the trustees of the boys' industrial school to construct a stand-pipe.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the boys' industrial school, near Lancaster, Fairfield county, be and hereby are authorized to contract for the construction of a stand-pipe for a water-tower and necessary connections at said

Appropriation
for stand-pipe
at boys' industrial school.

institution at a cost, when fully completed, not to exceed sixteen thousand dollars, which amount is hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated.

Proposals and
contract for
work.

SECTION 2. The said trustees are hereby authorized to proceed without unnecessary delay to receive proposals, and contract for such work upon the best terms and let the work to the lowest and best bidder.

SECTION 3. This act shall take effect from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 17, 1893.
149G

[House Bill No. 1557.]

AN ACT

To further supplement section 2491 of the Revised Statutes of Ohio, by enacting sections 2491c and 2491d.

Natural gas: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2491 of the Revised Statutes be further supplemented, and as follows:

Board of natural
gas trustees
(Toledo).

Sec. 2491c. All boards of natural gas trustees in cities of the third grade of the first class shall hereafter consist of three members each. In any such city which now has a board of natural gas trustees, the board provided for by this act shall consist of the two members of said former board whose terms of office have the longest time to run and they shall hold their offices until the expiration of the respective terms to which they were elected. The mayor of such city shall appoint the third member of said board for the term of two years. Upon the expiration of their respective terms, their successors shall be elected for the term of three years.

Bond and salary
of members.

Sec. 2491d. The members of said boards shall give bonds as provided by law, in the sum of not less than five thousand dollars (\$5,000.00) each and shall receive a salary of ten hundred dollars (\$1,000.00) per annum, payable out of the natural gas fund of such city in equal monthly instalments.

SECTION 2. This act shall take effect on its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 17, 1893.
150G

[House Bill No. 432.]

AN ACT

To supplement section 286 of the Revised Statutes of Ohio, relating to the ~~release of the deposits~~ made by insurance companies, and to provide for the withdrawal of the deposits of insurance companies other than life, when their risks in Ohio have expired and their liabilities in the state have been liquidated.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section shall be supplementary to section 286 of the Revised Statutes of Ohio, with sectional numbering as follows:

Superintendent
of Insurance:

Sec. 286a. When any insurance company or corporation other than life, which has made, or hereafter shall make, a deposit with the superintendent of insurance, intends to discontinue its business in Ohio, the superintendent shall, upon application of such company or corporation, give notice of such intention in three newspapers of general circulation in the state at least once a week for six weeks, the expense of such publication to be paid by the company. After such publication, and on being satisfied by the affidavit of the principal officers of the company and by an examination of the books and records of the company or corporation to be made by him or some competent disinterested person or persons by him appointed for that purpose, if such examination be by him deemed necessary, that all debts and liabilities of every kind that the deposit is made to secure, or that may become due on any policy issued to any resident or citizen of the state of Ohio, are fully paid off, satisfied and discharged, the superintendent shall deliver up to such company or corporation or its assigns the securities held by him belonging to it.

Discontinuance
of business and
withdrawal of
securities by in-
surance com-
pany other
than life.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.
154G

[House Bill No. 541.]

AN ACT

To amend section 3573 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3573 of the Revised Statutes of Ohio be so amended as to read as follows:

Cemetery asso-
ciations:

Sec. 3573. If it be necessary to acquire any lands by appropriation, such proceedings shall be taken therefor as

Appropriation
of land for ceme-
tery purposes;

Location of
cemetery.

are provided for the appropriation of property to the use of corporations; but no lands shall be so appropriated until the probate court is satisfied that suitable premises can not be obtained by contract upon reasonable terms, and no lands shall be appropriated upon which there is any dwelling-house, barn, stable or other farm-buildings, or upon which there is any orchard or nursery, or any valuable mineral or other medicinal spring, or any well actually yielding oil, or salt water, unless the same shall adjoin a cemetery already located and used, on the same or opposite side of a public highway; nor shall any land be appropriated nor any cemetery located, whether it is being established by an association incorporated for cemetery purposes or by benevolent or religious societies, within two hundred yards of any dwelling-house, unless the owner of such dwelling-house gives his consent, or unless the entire tract be so appropriated as a necessary addition to or enlargement of a cemetery already located and used; provided, however, that the limit shall not be less than one hundred yards where it is sought to appropriate for cemetery purposes property adjoining a cemetery already located and used, when such dwelling-house has been erected subsequently to the laying out and establishing of such cemetery; but in cities of the third and fourth grade of the second class, where the cemetery lies within a municipal corporation, the association may, without such consent, appropriate property within one hundred feet, or the width of a street, of any dwelling-house. The provisions of this section shall not be applicable to a corporation or cemetery association, owning a cemetery of less dimensions than five acres and situate within one mile of the corporate limits of any city of the first grade of the first class.

Cities third and
fourth grade,
second class.

Provisions in-
applicable to
certain associa-
tions in Hamil-
ton county.

Repeals.

SECTION 2. That said section 3573, as amended April 2, 1886 (83 v., p. 63), be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 22, 1893.

155G

[House Bill No. 1096.]

AN ACT

To amend sections 546, 547, 1070, 1117, 1157, 1260, and to revive section 1069 of the Revised Statutes, and to repeal certain acts therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 546 of the Revised Statutes,

Probate court:

as amended May 4, 1891, and section 547 of the Revised Statutes, as amended April 18, 1892, be so amended as to read as follows:

Sec. 546. Each probate judge, in counties which at the last preceding federal census had a population less than twenty-two thousand five hundred, shall receive for services rendered, the following prescribed fees, and no more: Docketing each case, to be charged but once, four cents; entering the appearance of parties, to be charged but once, eight cents in each case; taking affidavits, ten cents; issuing summons or other writs under seal, twenty cents each; entering order to advertise, twenty cents; filing any papers, except accounts current and vouchers of executors, administrators and guardians, four cents each; entering the return of any writ, four cents; issuing a subpoena when there is but one witness named, ten cents, and for every additional name, four cents; swearing each witness, three cents; entering attendance of each witness, five cents; indexing each cause, eight cents; entering judgment on journal, eight cents; recording general verdict, eight cents; entering order on journal, eight cents; each one hundred words, for transcribing judgment or orders on the docket, eight cents; entering satisfaction of judgment or decree on record, eight cents; entering every special rule, four cents; entering every continuance or dismissal, eight cents; entering rule of reference, eight cents; and for a copy thereof, under seal, twenty cents; entering notice of appeal, eight cents; making cost bill, twenty-five cents, which shall be taxed but once; making up complete record in cause, eight cents for each hundred words, but no complete record shall be made in any case, except when the title of real estate is drawn in question, the court may order the same, or either party may require it, at his own cost; making out copies of records of any proceedings in a cause, when required by either party or the law, with a seal annexed, eight cents for each hundred words; entering an allowance of an injunction, certiorari or habeas corpus, eight cents; issuing execution, twenty-five cents; docketing each execution issued, eight cents; issuing order of sale, twenty-five cents, and eight cents for every hundred words said writ may contain over the first hundred; recording returns on writs of execution and orders of sale, eight cents for each hundred words; each certificate to which the seal of the court is required and not herein provided for, thirty-five cents; probate of will and entry thereof, thirty cents; issuing letters testamentary, or letters of administration or guardianship, under seal of court, seventy-five cents; taking bond of executors, administrators or guardians, twenty-five cents; recording a bond, will, inventory, sale bill, or settlement of executors, administrators or guardians, eight cents for every hundred words; making out copies of wills, inventories, sale bills, settlements, or rules of court ordered to be furnished by executors and guardians, eight cents for each hundred words; entering the appointment of

Fees of probate judge in counties which had a population less than 22,500 at the last preceding federal census.

Fees of probate judge.

executors, administrators, or guardians, or appraisers of property, ten cents; copy of order to appraisers, ten cents; filing an account, warrant, and vouchers of an executor, administrator or guardian for settlement, and entering the same on the minutes of the court, fifteen cents; entering order of settlements of same, twelve cents; examining partial or final settlements of guardians, executors or administrators, seventy-five cents, each, where there are not more than fifty vouchers to be examined, and if any account shall contain more than fifty vouchers, the sum of two cents for each additional voucher so examined; issuing citation to executors, administrators or guardians, twenty-five cents; administering an oath when necessary, and issuing a marriage license and filing and recording the certificate of marriage, seventy-five cents; giving notice of time of settlement, eight cents; hearing application on behalf of idiots and lunatics, one dollar and fifty cents; hearing application for the right of way of railroads, plank roads and turnpikes, or road appeals, two dollars per day; hearing and deciding application in contested cases on petition of administrators, guardians or executors to sell land, and petitions to convey, seventy-five cents, to be taxed in each of the above cases in the bill of costs; holding examining courts, two dollars per day; hearing and determining applications on habeas corpus in criminal cases, one dollar and fifty cents, to be paid out of the county treasury; hearing and determining applications for habeas corpus in civil cases, seventy-five cents; hearing and determining applications in contested cases, one dollar and fifty cents, to be taxed in the bill of costs against the unsuccessful party; for the registry of births and deaths, the sum of eight cents for the registry of each birth and each death returned to his office, but no other compensation for any indexing or recording, or any other service whatever that is necessary to complete the records or reports required. Each probate judge in counties, which at the last federal census, had a population of twenty-two thousand five hundred or more, shall receive for services rendered, the following prescribed fees, and no more: Docketing each case, to be charged but once, three cents; entering the appearance of parties, to be charged but once, eight cents in each case; taking affidavit, eight cents; issuing summons or other writs under seal, twenty cents each; entering order to advertise, fifteen cents; filing any papers, except accounts current and vouchers of executors, administrators and guardians, four cents each; entering the return of any writ, three cents; issuing a subpoena when there is but one witness named, eight cents, and for every additional name, three cents; swearing each witness, three cents; entering attendance of each witness, five cents; indexing each cause, eight cents; entering judgment on journal, eight cents; recording general verdict, eight cents; entering order on journal, six cents; each one hundred words, for transcribing judgment or orders on the docket, eight cents; entering sat-

Fees in counties which had a population of 22,500 or more at such census.

isfaction of judgment or decree on record, six cents; entering every special rule, three cents; entering every continuance, or dismissal, eight cents; entering rule of reference, four cents, and for a copy thereof, under seal, ten cents; entering notice of appeal, four cents; making cost bill, twenty-five cents which shall be taxed but once; making up complete record in cause, eight cents for each hundred words, but no complete record shall be made in any case, except when the title of real estate is drawn in question the court may order the same, or either party may require it at his own cost; making out copies of records of any proceedings in a cause when required by either party or the law, with a seal annexed, eight cents for each hundred words; entering an allowance of an injunction, certiorari or habeas corpus, six cents; issuing execution, ten cents; docketing each execution issued, six cents; issuing order of sale, twenty-five cents, and eight cents for every hundred words said writ may contain over the first hundred; recording returns on writs of execution and orders of sale, eight cents for each hundred words; each certificate to which the seal of the court is required, and not herein provided for, thirty-five cents; probate of will and entry thereof, twenty-five cents; issuing letters testamentary or letters of administration, or guardianship, under seal of court, seventy-five cents; taking bond of executors, administrators or guardians, twenty-five cents; recording a bond, will, inventory, sale bill or settlement of executors, administrators or guardians, eight cents for every hundred words; making out copies of wills, inventories, sale bills, settlements or rules of court, ordered to be furnished by executors and guardians, eight cents for each hundred words; entering the appointment of executors, administrators or guardians, or appraisers of property, eight cents; copy of order to appraisers, eight cents; filing an account, warrant and vouchers of an executor, administrator, or guardian for settlement and entering the same on the minutes of the court, fifteen cents; entering order of settlement of same, ten cents; examining partial or final settlements of guardians, executors or administrators, sixty-five cents each, where there are not more than fifty vouchers to be examined, and if any account shall contain more than fifty vouchers, the sum of two cents for each additional voucher so examined; issuing citation to executors, administrators or guardians, twenty cents; administering an oath when necessary, and issuing a marriage license and filing and recording the certificate of marriage, seventy-five cents; giving notice of time of settlement, eight cents; hearing application on behalf of idiots and lunatics, one dollar and fifty cents; hearing application for the right of way of railroads, plank roads and turnpikes or road appeals, one dollar per day; hearing and deciding application in contested cases on petition of administrators, guardians or executors, to sell land, and petitions to convey, seventy-five cents, to be taxed in each of the above cases in bill of costs; holding examining courts, one dollar and fifty cents per day; hearing and

Fees of probate
judge.

Fees of probate
judge.

determining application on habeas corpus in criminal cases, one dollar, to be paid out of the county treasury; hearing and determining application for habeas corpus in civil cases, fifty cents; hearing and determining applications in contested cases, one dollar, to be taxed in the bill of costs against the unsuccessful party; for the registry of births and deaths, the sum of eight cents for the registry of each birth, and each death returned to his office, but no other compensation for any indexing or recording, or any other service whatever that is necessary to complete the records or reports required.

Fees for services
not herein pro-
vided for.

Sec. 547. For any other services not herein provided for, the same fees shall be allowed as for similar services in the court of common pleas of the same county.

County auditor:

SECTION 2. That original section 1069 of the Revised Statutes be revived and reenacted as follows:

Annual compen-
sation.

Sec. 1069. The several county auditors shall hereafter receive compensation, per annum, for their services, as follows: In counties having two thousand male inhabitants above the age of twenty-one years, the auditor shall receive eight hundred dollars per year, and in counties having more than two thousand such inhabitants, the auditor, in addition thereto, shall receive for each year the sum of twelve dollars for each additional one hundred such inhabitants above two thousand in such county.

County auditor:

SECTION 3. That section 1070 of the Revised Statutes be so amended as to read as follows:

Additional com-
pensation.

Sec. 1070. The several county auditors shall receive compensation for their services, in addition to that provided for in the preceding section, as follows: In counties having a population of less than three thousand five hundred such inhabitants, one hundred and fifty dollars; in counties having three thousand five hundred and less than four thousand five hundred such inhabitants, one hundred and eighty dollars; in counties having four thousand five hundred and less than five thousand five hundred such inhabitants, two hundred and ten dollars; in counties having five thousand five hundred and less than six thousand five hundred such inhabitants, two hundred and forty dollars; in counties having six thousand five hundred and less than seven thousand five hundred such inhabitants, two hundred and seventy dollars; in counties having seven thousand five hundred and less than eight thousand five hundred such inhabitants, three hundred dollars; in counties having eight thousand five hundred and less than nine thousand five hundred such inhabitants, three hundred and thirty dollars; in counties having nine thousand five hundred and less than ten thousand five hundred such inhabitants, three hundred and sixty dollars; in counties having ten thousand five hundred and less than eleven thousand five hundred such inhabitants, three hundred and ninety dollars; in counties having eleven thousand five hundred such inhabitants, three hundred and ninety dollars; in counties having eleven thousand

five hundred and less than fifteen thousand such inhabitants, seven hundred and eighty dollars; in counties having fifteen thousand and less than than seventeen thousand five hundred such inhabitants, eight hundred and forty dollars; in counties having seventeen thousand five hundred and less than twenty thousand such inhabitants, nine hundred dollars; in counties having twenty thousand and less than twenty-five thousand such inhabitants, ten hundred and fifty dollars; in counties having twenty-five thousand and less than forty thousand such inhabitants, eighteen hundred dollars; in counties having forty thousand and less than fifty thousand such inhabitants, twenty-one hundred dollars; in counties having fifty thousand and less than sixty thousand such inhabitants, twenty-four hundred dollars; in counties having sixty thousand and less than seventy thousand such inhabitants, twenty-five hundred and fifty dollars; in counties having seventy thousand and less than eighty thousand such inhabitants, three thousand dollars; in counties having eighty thousand and less than ninety thousand such inhabitants, thirty-three hundred dollars; in counties having ninety thousand and less than one hundred thousand such inhabitants, thirty-six hundred dollars. Provided, however, that in counties whose auditor receives a fixed compensation, payable out of the fee fund of said county, the additional compensation herein provided for shall be received and paid in by him to the credit of said fee fund of said county, and in no event shall said auditor receive a greater compensation than the one so fixed by law, to be paid out of said fee fund.

Additional compensation of county auditor.

SECTION 4. That section 1117 of the Revised Statutes, as amended April 18, 1892, be so amended as to read as follows:

County treasurer.

Sec. 1117. The county treasurer on settlement semi-annually with the county auditor shall be allowed as fees on all moneys collected on the grand duplicate the following percentage: On the first ten thousand dollars, two and one-half per cent.; on the next ten thousand dollars, one and one-half; on the next ten thousand dollars, one; on the next ten thousand, seven-tenths of one; on the next two hundred thousand dollars, four-tenths of one; and on all other or further sums, two-tenths of one; and on all moneys collected on any special duplicate, five-tenths of one; and on all moneys collected otherwise than on the duplicate the following percentage: On licenses, fines, forfeitures, or on bonds or recognizances, on the first one thousand dollars, six; and on all over one thousand dollars, three; and on all other moneys collected on the first ten thousand dollars, eight-tenths; and on all over that amount, four-tenths of one; but no compensation, percentage, commission or fees shall be allowed on any moneys received by him from the state treasurer, or from his predecessors in office, or the legal representatives or sureties of such predecessors, or on any moneys received from the proceeds of the bonds of the county, or of any municipal corporation.

Fees.

County recorder:

SECTION 5. That section 1157 of the Revised Statutes, as amended May 4, 1891, be so amended as to read as follows:

Fees in counties which had a population less than 35,000 at the last preceding federal census.

Sec. 1157. The recorder in counties which, by the last preceding federal census had a population less than thirty-five thousand, shall receive the following fees: For recording a mortgage, deed of conveyance, power of attorney, or other instrument of writing, twelve cents for every hundred words actually written on the records, and ten cents for indexing the same, to be paid on the presentation of such instruments for record; for certifying copy from the record, twelve cents for every hundred words; for recording assignment or satisfaction of mortgage, or discharge of a soldier, twenty-five cents; for every search of the record, without copy, fifteen cents; for recording any plat not exceeding six lines, one dollar, and for each additional line, five cents.

Fees in counties which had a population of 35,000 or more at such census.

The recorder in counties which, by the last preceding federal census had a population of thirty-five thousand or more, shall receive the following fees: For recording a mortgage, deed of conveyance, power of attorney, or other instrument of writing, ten cents for every hundred words actually written on the records, and ten cents for each index of the same, to be paid on the presentation of such instruments for record; for certifying copy from the record, ten cents for every hundred words; for recording assignment or satisfaction of mortgage, or discharge of a soldier, twenty-five cents; for every search of the record, without copy, ten cents; for recording any plat not exceeding six lines, one dollar, and for each additional line, five cents.

Clerk common pleas court:

SECTION 6. That section 1260 of the Revised Statutes, as amended May 4, 1891, be so amended as to read as follows:

Fees in counties which had a population less than 22,500 at the last preceding federal census.

Sec. 1260. The clerk in counties which, by the last preceding federal census, had a population less than twenty-two thousand five hundred, shall, for services hereinafter specified, when rendered, receive the fees herein provided, and no more; he shall administer oaths in pension and bounty cases without compensation: Docketing each cause in appearance docket, four cents; indexing each cause in same, direct and reverse, four cents; entering the voluntary appearance of plaintiffs and defendants, four cents, each; filing each precept, pleading, or other necessary document, four cents; taking each affidavit, eight cents; issuing each summons, notice, order of arrest, order of delivery, order of attachment, order of injunction, mandamus, mandate, execution, habeas corpus, attachment for contempt, order of reference, writ of dower, writ or [of] partition, order of sale, or any other order or writ (excepting a subpoena) wherein the number of words does not exceed three hundred, twenty-five cents, and where the number of words exceeds three hundred, eight cents for each hundred words; taking an undertaking bond or recognizance, twenty-five cents; taking justification of bail on notice, thirty-five cents; indorsing or

entering allowance of bail, four cents; entering the return of each writ or order (excepting executions and subpoenas), four cents; impaneling a jury in each cause tried by a jury, and administering the oath, twelve cents; a certificate to each tales juror for his fees, four cents; calling and entering each tales juror, four cents; issuing a subpoena wherein there is but one witness named, eight cents; for each additional name on the subpoena, four cents; swearing each witness, and making entry of same, four cents; entering attendance each witness, four cents; a certificate to each witness for his fee, four cents; issuing a certificate of qualification of a witness for grand jury, four cents; entering each cause on the bar and court calendar of each term, four cents; indexing each cause, four cents for each term the same remains on the docket; for entering an order, verdict, rule or judgment on the journal, eight cents for each hundred words; transcribing or posting an order, verdict, rule or judgment on the appearance docket, eight cents; entering an assignment of a judgment or final order, eight cents; entering continuance, dismissal, or settlement of a cause, eight cents; entering a notice of appeal, eight cents; entering on the journal the finding of an indictment, eight cents; entering on the journal any plea not required to be in writing, eight cents; polling a jury when required, twenty-five cents; drawing a cost bill, which shall be taxed but once, twenty-five cents; making up a complete record in each cause, eight cents for each hundred words; making out copies of process, pleadings, records, files, or any proceedings in a cause with the seal annexed, when required by a party or the law, eight cents for each hundred words; for indexing judgments and final orders, for each case, fifteen cents; docketing each execution issued, four cents; making direct and reverse index to each execution issued, eight cents; entering and recording the return of an execution, where the number of words does not exceed one hundred, eight cents; and where the words exceed one hundred, eight cents for each hundred words; each certificate with the seal of the court annexed (excepting when affixed to a copy) required by a party or the law, thirty-five cents; for each certificate to which the seal of the court is not required, and not herein otherwise provided for, fifteen cents; for a search of files, records or dockets (excepting for a party or an attorney), eight cents; taking and entering a declaration of intention to become a citizen of the United States, and for a certified copy of such entry under the seal of the court, twenty cents; entering the final admission of an alien to the rights of citizenship and for a certified copy thereof under the seal of the court, twenty cents; issuing any license ordered by the court, forty cents; receiving poll-books of justices' election, certifying elections therefrom, administering oath, and entering the same of record, seventy-five cents, to be paid by each justice on receiving his commission; receiving and disbursing money other than costs and fees paid over to such clerks in pursuance of an order

Fees of clerk of courts.

Fees of clerk of courts.

Fees in counties which had a population of 22,000 or more at such census.

of court or on judgments, and which has not been collected by the sheriff or other proper officer, on order or execution, to be taxed against the party charged with the payment of such money, a commission of one per centum on the first thousand dollars, and of one-fourth of one per centum on all exceeding one thousand dollars. The clerk in counties which, by the last preceding federal census, had a population of twenty-two thousand five hundred, or more, shall, for services hereinafter specified, when rendered, receive the fees herein provided, and no more; he shall administer oaths in pension and bounty cases without compensation: Docketing each cause in appearance docket, four cents; indexing each cause in same, direct and reverse, four cents; entering the voluntary appearance of plaintiffs and defendants, four cents each; filing each precipe, pleading or other necessary document, three cents; taking each affidavit, six cents; issuing each summons, notice, order of arrest, order of delivery, order of attachment, order of injunction, mandamus, mandate, execution, habeas corpus, attachment for contempt, order of reference, writ of dower, writ of partition, order of sale, or any other order or writ (excepting a subpoena) wherein the number of words does not exceed three hundred, twenty-five cents, and where the number of words exceeds three hundred, eight cents for each hundred words; taking an undertaking bond of [or] recognizance, twenty cents; taking justification of bail on notice, twenty-five cents; indorsing or entering allowance of bail, three cents; entering the return of each writ or order (except in executions and subpoenas), four cents; impaneling a jury in each cause tried by jury and administering the oath, ten cents; a certificate to each tales juror for his fees, four cents; calling and entering each tales juror, four cents; issuing a subpoena wherein there is but one witness named, eight cents; for each additional name on the subpoena, four cents; swearing each witness and making entry of same, four cents; entering attendance, each witness, four cents; a certificate to each witness for his fees, four cents; issuing a certificate of qualification of a witness for grand jury, four cents; entering each cause on the bar and court calendar of each term, four cents; indexing each cause, four cents for each term the same remains on the docket; for entering an order, verdict, rule or judgment on the journal, eight cents for each hundred words; transcribing or posting an order, verdict, rule or judgment on the appearance docket, six cents; entering an assignment of a judgment or final order, six cents; entering continuance, dismissal or settlement of a cause, six cents; entering a notice of appeal, six cents; entering on the journal the finding of an indictment, six cents; entering on the journal any plea not required to be in writing, four cents; polling a jury when required, fifteen cents; drawing a cost bill which shall be taxed but once, twenty cents; making up a complete record in each cause, eight cents for each hundred words; making out copies of process, pleadings, records, files, or any proceedings in a cause, with the seal

annexed, when required by a party or the law, eight cents for each hundred words; for indexing judgments and final orders for each case, fifteen cents; docketing each execution issued, four cents; making direct and reverse index to each execution issued, eight cents; entering and recording the return of an execution, where the number of words does not exceed one hundred, eight cents; and where the words exceed one hundred, eight cents for each hundred words; each certificate with the seal of the court annexed (excepting when affixed to a copy), required by a party or the law, twenty-five cents; for each certificate to which the seal of the court is not required, and not herein otherwise provided for, ten cents; for a search of files, records or dockets (excepting for a party or an attorney), four cents; taking and entering a declaration of intention to become a citizen of the United States, and for a certified copy of such entry, under the seal of the court, twenty cents; entering the final admission of an alien to the rights of citizenship, and for a certified copy thereof, under the seal of the court, twenty cents; issuing any license ordered by the court, twenty cents; receiving poll-books of justices' election, certifying elections therefrom, administering oath, and entering the same of record, fifty cents, to be paid by each justice on receiving his commission; receiving and disbursing money other than costs and fees paid over to such clerks in pursuance of an order of court, or on judgments, and which has not been collected by the sheriff, or other proper officer, on order of [or] execution, to be taxed against the party charged with the payment of such money, a commission of one per centum on the first thousand dollars, and of one-fourth of one per centum on all exceeding one thousand dollars.

Fees of clerk of courts.

SECTION 7. The provisions of this act shall not apply to Hamilton and Cuyahoga counties, and, in other counties, probate judges, auditors, treasurers, recorders, and clerks of the court of common pleas elected prior to May 4, 1891, shall, during the term for which they were then elected, continue to receive the fees and compensation fixed and provided by law at the time of their election.

Provisions inapplicable to Hamilton and Cuyahoga counties and officers elected prior to May 4, 1891.

SECTION 8. That section 1070 of the Revised Statutes of Ohio, an act entitled "An act to amend sections 546, 547, 1117, 1157, 1270, and to supplement sections 546, 1069, 1070, 1157, 1230 and 1260 of the Revised Statutes of Ohio, and to repeal certain sections of the Revised Statutes therein named," passed May 4, 1891; and an act entitled "An act to amend sections 546a, 547, 1117, 1157a and 1260b of the Revised Statutes of Ohio, as amended May 4, 1891," passed April 18, 1892, be and the same are hereby repealed.

Repeals.

SECTION 9. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.
157G

[House Bill No. 1404.]

AN ACT

To change the name of Dellsworth Pleasant Snook, of Richland county, Ohio, to Dellsworth Pleasant Wren.

Changing name
of Dellsworth
Pleasant Snook.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Dellsworth Pleasant Snook, a resident of Richland county, Ohio, be and the same is hereby changed to Dellsworth Pleasant Wren.

Effect of change.

SECTION 2. That said change shall in no wise affect the rights, privileges and liability of said person.

SECTION 3. This act shall be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 22, 1893.

159G

[House Bill No. 1504.]

AN ACT

To amend section 621d of the Revised Statutes, as passed March 7th, 1893.

Justices of the
peace (Colum-
bus):

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 621d of the Revised Statutes of Ohio be amended so as to read as follows:

Duty as to fees.

Sec. 621d. It shall be the duty of each justice of the peace in all cities of the first grade of the second class, to collect the fees as provided in sections 615 and 621 of the Revised Statutes of Ohio, and make return under oath to the city treasurer on the first Saturday of January, April, July and October of each year, of all fees collected by him, and pay the same into the city treasury; he shall also make a return to the city treasurer at the same time of all the fees due and uncollected. He shall, within five days after the expiration of the term of his office, make an itemized statement under oath to the city treasurer of all fees uncollected by him, and it is hereby made the duty of the city treasurer to collect said unpaid fees, out of which he is authorized to retain ten per centum of the amount collected for his services, and account for the balance as other funds of such city coming into his hands as treasurer.

Duty and com-
pensation of
city treasurer.

Repeals, etc

SECTION 2. That section 621d of the Revised Statutes be and is hereby repealed; and this act take effect on and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 22, 1893.

163G

[House Bill No. 1570.]

AN ACT

To amend section 3941 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3941 of the Revised Statutes of Ohio be so amended as to read as follows:

Joint subdistricts:

Sec. 3941. The commissioners shall report, in writing, to the probate judge—

Report of commissioners; location of school-house.

1. Whether or not a joint subdistrict ought to be established, and their reasons therefor.

2. If they find in favor of the establishment of a joint subdistrict, they shall give the lines and a plat thereof; they may also change the lines of the subdistrict proposed in the position [petition], by including therein other territory, or excluding territory included therein, or both; and if there is no suitable school-house within such boundaries, or, if there is one, but it is not suitably located, they shall designate a site whereon to erect such building, provided, that if said commissioners shall have located, or shall hereafter locate a site upon a township or county line and embracing territory in different townships then the school-building shall be erected on said site, but in that township having the largest number of children of school age who live in said joint subdistrict.

SECTION 2. Said original section 3941 is hereby repealed and this act shall take effect and be in force on and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 22, 1893.

164C

[House Bill No. 216.]

AN ACT

To establish a uniform system of keeping time throughout the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the standard of time throughout this state shall be that of the ninetieth meridian of longitude west from Greenwich, by which all courts, banks and public offices, and all legal or official proceedings shall be hereafter regulated. Whenever, by the laws of this state, or by any law, rule, order or process of any authority, created by or pursuant to the laws of this state, any act is required to be performed, at or within any prescribed time, such act shall be performed according to the standard of time of the ninetieth meridian of longitude west from Greenwich, known as central standard time.

Central standard time.

SECTION 2. This act shall take effect at 12 o'clock, noon, April 1, 1893.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.
165G

[House Bill No. 527.]

AN ACT

To amend section 1369 of the Revised Statutes.

Trustees and
treasurer of
original sur-
veyed town-
ship:
Term of office
and subsequent
elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1369 of the Revised Statutes be amended so as to read as follows, viz.:

Sec. 1369. The trustees and treasurer shall hold their offices for three years, and a like election shall be held every third year, of which the trustees shall give fifteen days' previous notice as aforesaid, and they failing so to do any elector may at any time thereafter, by like notice, call an election.

Repeals, etc.

SECTION 2. Said section 1369 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.
166G

[House Bill No. 1083.]

AN ACT

To amend section 4012 of the Revised Statutes of Ohio relating to evening schools and to enact supplementary section 4012a.

Schools, and at-
tendance en-
forced:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4012 of the Revised Statutes be amended and supplemented with sectional numbers, to read as follows:

Evening school.

Sec. 4012. In any township, special, village, or city district, or part thereof, parents or guardians of youth of school age may petition the board of education to organize an evening school. The petition shall contain the names of not less than twenty-five youth of school age who will attend such school, and who for reasons satisfactory to the board are prevented from attending day school. Upon receiving such petition the board of education shall provide and furnish a suitable room for the evening school and employ a competent person who holds a regularly issued teacher's certificate, to teach it. Such board may discontinue any such evening school, when the average evening attendance for any month falls below twelve.

Sec. 4012a. Any person more than twenty-one years old may be permitted to attend evening school upon such terms and upon payment of such tuition as the board of education may prescribe. Attendance by person more than twenty-one years old.

SECTION 2. That section 4012 of the Revised Statutes be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.
167G

[House Bill No. 1158.]

AN ACT

To amend section 6185 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6185 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 6185. The court may also, in settlement, allow, as a credit to the executor or administrator, any just and reasonable amount expended by him for a tombstone or monument for the deceased, and for any just and reasonable amount he may have paid to any cemetery association or corporation as a perpetual fund for caring for and preserving the lot on which said deceased is buried; but it shall not be incumbent on any executor or administrator to procure a tombstone or monument or to pay any sum into any such perpetual fund.

Executors and administrators:

Allowance for tombstone and perpetual fund for care of cemetery lot.

SECTION 2. That original section 6185 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.
168G

[House Bill No. 1297.]

AN ACT

To amend section 2409 of the Revised Statutes of Ohio, and confer additional duties and powers upon water-works trustees in certain villages.

Water-works: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2409 of the Revised Statutes be amended to read as follows:

Salary of trustees; duties of trustees or board.

Carthage, Hamilton county.

Sec. 2409. The trustees shall receive a fixed salary, to be determined by the council, and the trustees or board shall manage, conduct and control the works, furnish supplies of water, collect water-rents, and appoint all necessary officers and agents, and fix the term of office and the amount of salary of each officer and agent so appointed. Provided, that in all villages situate in counties containing cities of the first grade of the first class owning and operating in connection with its water-works an electric light plant for commercial or street lighting, or both, or when such plant is in progress of construction, or when council orders such plant to be constructed in connection with the water-works, it shall be the duty of such trustees, in addition to the duties above mentioned, to manage, conduct, control and operate such plant in connection with the water-works, furnish light, collect light-rents from private consumers, appoint all necessary officers and agents, and fix the term of office and the amount of salary of each officer and agent so appointed; and all money collected for electric light purposes shall be deposited weekly with the treasurer of the corporation, and all money arising from a levy for light purposes, or from the proceeds of the sale of bonds issued for the purpose of constructing or improving the electric light plant, shall be paid out by the treasurer of the corporation on the order of such trustees, which order shall be countersigned by the clerk of the board of trustees; and all the provisions of this chapter relating to the powers, duties, privileges and government of the trustees of the water-works shall, so far as applicable, control such trustees in the management of such electric light plant.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 22, 1893.

169G

[Senate Bill No. 353.]

AN ACT

To amend section 4650 of the Revised Statutes, as amended March 22, 1892 (O. L., 89, p. 126).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4650 of the Revised Statutes be amended as follows:

County roads:

Sec. 4650. The commissioners, on receiving the report of the viewers, shall cause the same to be publicly read on two different days of the same session, and if no application be made to them for a review of the road or any part thereof, or alteration, and they are satisfied that such road or any part thereof, if the same be capable of division, will be of public utility, and the report of the viewers is favorable thereto, and no damages have been claimed or assessed, shall, on the third day of the session, cause the report, survey and plat to be recorded; and from thenceforth the road shall be considered a public highway, and the commissioners shall cause said road to be opened by contract, and such contractor paid therefor upon their allowance out of the general county or road fund; but if the report of the viewers be against such proposed road or alteration, or if, in the opinion of the commissioners, the same is unnecessary, no further proceedings shall be had thereon; and the obligors in the bond securing the expenses shall be liable for the full amount of such costs and expenses.

Duties of commissioners on report of view.

SECTION 2. That said original section 4650 of the Revised Statutes, as amended March 22, 1892, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 22, 1893.

172G

[House Bill No. 970.]

AN ACT

* To amend section 111 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 111 of the Revised Statutes be amended so as to read as follows:

Notaries public:

Sec. 111. No banker, broker, cashier, director, teller, or clerk of any bank, banker or broker or other person holding any official relation to any bank, banker, or broker, shall be competent to act as notary public in any matter to which said bank, banker, or broker is in any way interested.

Persons incompetent to act in matter in which bank, banker or broker interested.

Repeals.

SECTION 2. That section 111 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
173G

[House Bill No. 1082.]

AN ACT

To change the name of Charles Heil.

Changing name
of Charles Heil.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Charles Heil, a resident of Auglaize county, be and the same is hereby changed to Charles August Heil.

Effect of change.

SECTION 2. That such change shall in no way affect the rights, privileges and liabilities of said person.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
174G

[House Bill No. 1162.]

AN ACT

To provide for a commission in cities of the first grade of the second class to ascertain and establish the boundaries of the channel of any river or stream within the corporate limit of such cities; and to provide against the filling up or obstruction of such rivers or streams.

Commission to
ascertain and
establish
boundaries of
channel of river
or stream flow-
ing through
Columbus.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor, upon written application of the mayor of any city of the first grade of the second class through which flows any river or stream, shall appoint a commission of three disinterested persons, having the qualification of electors within the county in which such city is located, to ascertain and fix and establish the boundaries of the channel of such river or stream flowing through such city.

Oath, organiza-
tion, duties and
powers of mem-
bers.

SECTION 2. The members of said commission, within thirty days of their appointment, shall take an oath of office and organize by the appointment of one of their

number as chairman and another as secretary, and forthwith proceed to make a survey of the channel of such river or stream as it existed before any encroachments had been made thereon, and mark with permanent monuments the boundaries of such channel wherever they may be intersected by the boundary lines of the streets and alleys of such city, and at such other places that they may deem proper; and make an accurate plat of such river or stream, showing the courses and distances and width of channel, and the intersections of the boundary lines of the streets and alleys of such cities. Said commissioners shall employ a competent surveyor and the necessary assistants to make said survey and plat; and said commission is hereby authorized to issue subpoenas for and compel the attendance of such witnesses and take such test money as they may deem necessary to ascertain the boundaries of such river or stream; and the testimony so taken, together with such plat, the field-notes of such survey and the report of said commissioners, shall be filed with the city clerk of such city; and said plat shall also be recorded in the plat record of the county in which such city is located. Any person or persons holding or owning an estate in any of the lands bounding upon the river within said city limits, may at any time within two years after said plat is filed in the recorder's office, of the county, bring an action in the court of common pleas of said county against said city to determine and ascertain the boundary of said land upon said river, and in any action so brought, said recorded plat or a duly certified copy of the same, shall be prima facie proof of said boundary lines. After two years from the filing of said plat for record in said county recorder's office, said recorded plat, or copy thereof duly certified by the county recorder, shall be conclusive proof of the boundary lines between the river and the lands abutting thereon, in all actions and proceedings in the courts of this state, except as against persons and parties who were under disability during said two years, and said recorded plat or certified copy thereof shall be conclusive proof against such persons so under disability within one year after said disability shall have been removed. Provided, however, that the survey and plat made by the commission created under this act, so far as the same may affect land owned or claimed by the state of Ohio, shall be subject to be altered or modified by any action taken or to be taken by the canal commission or any officer or board created or to be created under any act of the general assembly, for the purpose of establishing the boundaries and defining the ownership of the canal or other lands of the state; and provided further, that the survey and plat made by the commission created by this act, shall not be taken as prima facie or conclusive proof, or proof in any wise, of the boundaries or ownership of any land, the title or any interest in which is owned or claimed by the state of Ohio; and no action taken by the commission created under this act, shall in

Filing of
testimony, plat,
field-notes and
report.

Recording of
plat.

Boundary lines
between channel
and abutting
lands.

Rights and
claims of the
state.

any way affect or determine any of the rights of the state of Ohio, or be used in evidence in any suit, controversy or proceeding, as in any manner affecting or determining the rights of the state.

Obstructions in
channel.

SECTION 3. Any person or persons, or corporation, who shall place, erect or maintain any embankment, structure, or other obstacle within the boundaries of such river or stream, as thus ascertained, that may obstruct, or interfere with the free flow of the waters of such river or stream, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined in any sum not less than ten nor more than one hundred dollars, and imprisoned in the county jail not less than five days; and for each and any additional offense, shall pay a fine of not less than twenty nor over five hundred dollars and be imprisoned not less than ten nor more than sixty days as the court may determine. All prosecutions for any violation of this act shall be by information or indictment, before any court of competent jurisdiction within the county in which such city may be located. Each and every thirty days in which any obstruction shall be continued in said river or stream shall be deemed a separate offense, to be prosecuted and punished as hereinbefore provided. And any person or persons, or corporation placing or maintaining any obstruction in the channel of such river or stream, shall be liable for all damages that may be sustained by person or property, resulting in part or in whole from the existence of such obstruction to the free flow of the water of such river or stream, such damage to be recovered by civil action in any court of competent jurisdiction. And should such damage result from the existence of a number of obstructions to the free flow of the water in such river channel, placed or maintained by several persons or corporations, any or all of such persons or corporations so placing or maintaining such obstructions, shall be jointly or severally liable for all damages resulting from such obstructions. Provided, that a bridge pier may be placed in the channel of such river or stream, provided the abutments of such bridge are placed without the boundaries of the channel sufficiently far to afford an additional waterway of not less than three times the space occupied by the pier.

Bridge piers.

Compensation
of commissioners,
surveyor
and assistant
engineers.

SECTION 4. The commissioners appointed as hereinbefore provided shall each receive the sum of three dollars per day for each day while actually employed. The surveyor shall receive five dollars per day, and each assistant engineer not to exceed three dollars per day for each day while actually engaged in the prosecution of the work. Such compensation shall be paid out of the general expense fund of such city; and the account for such expenses shall be evidenced by a detailed statement duly verified by the chairman of said commission.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
175G

[House Bill No. 1328.]

AN ACT

To amend section 4567c of the Revised Statutes of Ohio, as amended April 11, 1884, vol. 81, p. 135, and amended March 28, 1892, vol. 89, p. 150, to clean out watercourses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section forty-five hundred and sixty-seven c (4567c) of the Revised Statutes be amended so as to read as follows:

Sec. 4567c. If the commissioners find that the bond has been filed and notice given, they shall proceed to hear and determine the petition and shall proceed to view the premises along the proposed improvement, and the lands of the petitioners and others affected by said mill-dam or mill-dams, and if they find that such improvement and removal of said mill-dam or mill-dams will be conducive to the public health, convenience or welfare, they shall report their findings in writing and order the auditor to enter the same on the journal, and they shall at once proceed to negotiate with the owner or owners for the purchase of such mill-dam or mill-dams of all rights, title and interest they may have to or in the same, and all franchises pertaining thereto, receiving thereby in writing the terms and conditions on which said owner will grant the absolute right to remove the same and for the free passage of water in the channel of such stream. Said commissioners shall fix a day for further hearing, and order that due notice be served in writing by the principal petitioners upon each and every one of said petitioners or any other person or persons interested in the said improvement or the removal of such mill-dam or mill-dams of the time and place of said hearing. If on said hearing it appears to the commissioners that the notice herein provided for has not been given, the commissioners shall adjourn to some future time, not exceeding twenty days, and shall order such notice to be given. On the day fixed by the commissioners for final hearing they shall meet at the time and place appointed, and shall then and there state and make known to the petitioners the amount asked by the owner or owners of such mill-dam or mill-dams of all their right, title and interest to and in the same and the franchises pertaining thereto, and for the right to remove the same, so that the waters of such stream shall

Removal of mill-dams.

Hearing and determination of petition; view of premises and lands affected.

Report and record of findings.

Negotiations for purchase and removal.

Day for further hearing; notice to persons interested.

Adjournment to future time; order for notice to be given.

Meeting on day for final hearing; statement of costs of purchase and removal.

Record.

Apportionment
of costs accord-
ing to benefits.

Proceedings up-
on failure to
agree with
owner, or when
petitioner
objects.

When lands af-
fected in two or
more counties.
Abandoned
mill-dam and
water-rights
and privileges.

Removal of such
mill-dam; clean-
ing out of water-
course.

Assessment of
costs upon real
estate benefited.

Collection and
disbursement of
assessments.

pass through without hindrance, and the necessary cost of removing said mill-dam or mill-dams, as estimated by said engineer or surveyor, together with all other taxable costs of the proceedings. And if upon such statement no objections be made thereto by said petitioners, or either of them, said commissioners shall make a record thereof. Said commissioners shall apportion to each of said petitioners and all other land owners benefited by the improvement, in a fair and equitable manner, according to the benefits to be derived therefrom, as nearly as can be done, all the costs of the proceedings, as in county ditch cases, the amount asked by the owner or owners of said mill-dam or mill-dams and agreed upon as above, and the amount of cost necessary to the removal of said mill-dam or mill-dams, as reported by the surveyor or engineer. Upon failure to agree with the owner or owners of such mill-dam or mill-dams, or on having agreed, if upon such statement objections be made thereto by the petitioners, or either of them, then the proceedings as to appeals, applications for damages, and in all other respects shall be taken to determine the amount of damages to be awarded to land owners affected, as is provided in the statutes as to the location and establishment of county ditches; and if the lands affected are situated in two or more counties, the proceedings shall be governed by the provisions of the said ditch statutes. (But in any case where a mill has become useless or has been destroyed, and has so remained for more than five years without any attempt to repair or rebuild the same, the mill-dam and water-rights and privileges belonging to the same shall be deemed abandoned, and the rights thereto as against the public health, convenience and welfare, under this act shall cease and be barred; and the commissioners may, under this act, without bargain or compensation, cause such mill-dam to be removed and the watercourse upon which it is located cleaned out and improved when an apportionment has been made as hereinbefore stated.) The commissioners shall then order the said amounts to be placed upon the tax duplicates, against the real estate of said petitioners, and all other land owners benefited by the removal of such dam, and to be collected within the time, and to meet the payments as far as practicable in conformity with the provisions of the county ditch law, whether agreed upon between said commissioners and said mill-dam owner or owners, or fixed by the commissioners or otherwise in pursuance to the provisions of the laws relating to county ditches, adding to the first year's assessment the taxable costs of the proceedings and the estimated costs of removing said mill-dam or mill-dams. Said assessments shall be collected the same as other assessments against real estate and paid into the treasury out of the county wherein said petitioners reside, and wherein said mill-dam or mill-dams are situated, and shall be paid out by the county treasurer on the warrant of the county auditor, who shall issue his warrants in accordance with the records

and orders of the county commissioners. The surveyor or engineer appointed by the commissioners shall sell at public outcry the work of removing such mill-dam or mill-dams and supervise the same as stated in sections forty-four hundred and seventy-five, forty-four hundred and seventy-seven and forty-four hundred and seventy-eight of the Revised Statutes of Ohio.

Sale and supervision of work.

SECTION 2. That said section 4567c as amended April 11, 1884, and as amended March 22, 1892, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
176G

[House Bill No. 1596.]

AN ACT

To change the name of Frank J. Gruelc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Frank J. Gruelc be and the same is hereby changed to Frank J. Grulee.

Changing name of Frank J. Gruelc.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

Effect of change.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
179G

[House Bill No. 1545.]

AN ACT

To change the name of William Hemme, of Ottawa county, Ohio, to William H. Wright.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of William Hemme, a resident of Ottawa county, Ohio, be and the same is hereby changed to William H. Wright.

Changing name of William Hemme.

SECTION 2. That said change shall in no way affect the rights, privileges and liability of said person.

Effect of change.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
180G

[House Bill No. 1482.]

AN ACT

To change the name of John Muye to John Möher.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of John Muye, of Hamilton county, Ohio, be and the same is hereby changed to John Möher; provided, however, that this change of name shall not invalidate any contract or obligations entered into by him, the said John Muye, prior to the passage of this act.

Changing name
of John Muye;
contract or ob-
ligations not
invalidated.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed March 23, 1893.
181G

[House Bill No. 1393.]

AN ACT

To amend section 3893 of the Revised Statutes of Ohio, as amended March 8, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3893 of the Revised Statutes of Ohio, as amended March 8, 1892, be amended so as to read as follows:

School districts:

Transfer of ter-
ritory from one
district to an-
other.

Sec. 3893. A part or the whole of any district may be transferred to an adjoining district, by the mutual consent of the boards of education having control of such districts; but no such transfer shall take effect until a statement, or map, showing the boundaries of the territory transferred, is entered upon the records of such boards, nor, except when the transfer is for the purpose of forming a joint subdistrict, until a copy of such statement or map, certified by the clerks of the boards making the transfer, is filed with the auditor of the county in which the territory so transferred is situated; and any person living in the territory so transferred may appeal to the county commissioners, as provided in section thirty-nine hundred and sixty-seven, and the commissioners,

at their first regular meeting thereafter, shall approve or vacate such transfer; provided, however, that when a portion of a village, township, or special school district has been attached to and become a part of an adjoining city by annexation the portion of such village, township, or special school district thus annexed to such city shall be deemed to be thereby transferred from such village school district, township, or special school district into such city school district, and the amount of the existing school indebtedness of such village school district, township school district, or special school district shall be ascertained and apportioned by the county commissioners in the same manner as provided in section sixteen hundred and fifteen; and the county auditor in the proper apportionment of the school tax for the respective school districts shall be governed by an accurate map of the territory so annexed as aforesaid; and the boards of education of the respective school districts shall, immediately after the passage of the act, cause to be entered upon the records of their respective boards a complete and correct description of the territory so annexed, provided that this act in no way shall affect special districts created by a special act of the general assembly of Ohio.

Transfer to city district by annexation.

SECTION 2. That section 3893 of the Revised Statutes of Ohio, as amended March 8, 1892, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Special district created by special act.

Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 23, 1893.
182G

[House Bill No. 1045.]

AN ACT

To provide for the distribution of volumes eleven and one of the roster of Ohio soldiers, and to repeal section 1 of an act passed April 24th, 1890, entitled "An act to amend section 2 of an act entitled 'an act to provide for the publication and distribution of the roster of Ohio soldiers,' passed May 12th, 1886, and amended February 3d, 1887, February 20th, 1888, and February 25th, 1890."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That copies of volume eleven of the roster of Ohio soldiers now in the adjutant-general's office for distribution shall be distributed among the members of the seventieth general assembly equally, inclusive of copies of said volume already received; and that volume one of said roster shall be distributed as follows: To each member of the seventieth general assembly, forty-seven (47) copies; to the roster commission, twenty-five (25) copies each; to the adjutant-general, for distribution to the adjutant-general of

Distribution of volumes eleven and one, roster of Ohio soldiers.

each state and territory, and proper officials of the war department at Washington, D. C., sixty (60) copies; to each of the state officers of Ohio, and to each of the various state departments and institutions, one (1) copy; to the state library, fifty copies for exchanges, and ten copies to be retained permanently therein; to each public library of an incorporated city or village of the state, one copy; to each post of the grand army of the republic, to each command of the union veterans' union, and to each encampment of the union veteran legion on condition that if the post, camp or command be disbanded at any time the same shall be returned to the adjutant-general, one copy; to the department of Ohio grand army of the republic, and loyal legions, each one copy; to each camp of the sons of veterans, on condition that if the camp be disbanded at any time the same shall be returned to the adjutant-general, one copy; to each county recorder, to be by him kept in his office, and transferred to his successor as other public records, one copy; to each township clerk, to be by him kept in his office and to be transferred to his successor, one copy; to each clerk in the roster department, one copy; the remainder of said copies after such distribution shall be placed on sale by the adjutant-general, at a price not exceeding one dollar per volume; he shall keep a record of such sales, and shall, at the end of each quarter of the fiscal year, pay into the state treasury the sum received, until all of said volumes are sold, unless otherwise directed by the general assembly; provided, that he shall not sell more than one copy of said volume to the same person.

Copies to be sold
by adjutant-
general.

Direction of dis-
tribution.

Repeals, etc.

SECTION 2. The distribution herein provided for shall be under the direction of the adjutant-general.

SECTION 3. That section 2 of an act passed May 12, 1886 (vol. 83, p. 146), as amended February 3, 1887, February 20, 1888, February 25, 1890, April 24, 1890 (vol. 87, page 276, 277), be and the same is hereby repealed. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 29, 1893.
188G

[House Bill No. 1072.]

AN ACT

To amend section 616 of the Revised Statutes of the state of Ohio.

Justices of the
peace:

Special constables in certain
townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 616 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 616. When, in the opinion of the justice of the peace in any township situated on and consisting in whole

or in part of one or more islands in any lake in this state, or in township adjoining or abutting any lands or premises belonging to any state or national home for disabled volunteer soldiers in this state, or in any township adjoining or abutting any lands or premises belonging to any disabled volunteer soldiers' home in this state, the constables of his township are insufficient to maintain the peace and duly enforce the laws for the preservation of order therein, he may appoint any number of special constables, not exceeding ten (10), who shall be conservators of the peace within such township, and have the same powers as are conferred by law upon constables in criminal causes; he shall make a memorandum of such appointment upon his docket, and the same shall continue in force for one year unless revoked by him; such special constables shall receive the same fees as are paid by law for similar services to regular constables in other cases.

SECTION 2. That said original section 616, passed May 8, 1868 (65 v., 162, § 1), be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after May 1, 1893.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 29, 1893.
189G

[House Bill No. 1081.]

AN ACT

To amend section 3177 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3177 of the Revised Statutes, as amended April 3, 1884 (O. L., 81 v., 104), be amended so as to read as follows: Negotiable instruments:

Sec. 3177. The following days, namely, the first day of January, the fourth day of July, the twenty-fifth day of December, the twenty-second day of February, the thirtieth day of May, the first Monday in September, and any day appointed and recommended by the governor of the state or the president of the United States as a day of fast or thanksgiving, shall for all purposes whatsoever of presentment for payment or acceptance and the protesting or the giving of notice of non-acceptance or of non-payment of all such instruments, be considered as the first day of the week; but if the first day of January, the fourth day of July, the twenty-fifth day of December, or the twenty-second day of February, or the thirtieth day of May be the first day of the week, the succeeding Monday shall for the same purpose be considered as the first day of the week. What days regarded as holidays.

Repeals.

SECTION 2. That said original section 3177, and as amended April 3, 1884, and as theretofore amended, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed March 29, 1893.

190G

[Senate Bill No. 497.]

AN ACT

To regulate voting in cases where statute provides for a vote being taken on any question, but is silent as to number of votes necessary to authorize the act voted upon.

Number of votes necessary to authorize performance of act when statute providing for submission of question is silent.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in any and all cases where it is provided by statute that any question shall be submitted to the qualified voters of any township, village, county or city in the state of Ohio, and the statute so providing is silent as to the number of votes necessary to authorize the performing of the act voted upon, such statute shall be held to mean that a majority of all the qualified voters voting at said election must vote in favor thereof in order to authorize the same.

Submission of question when special election not provided for.

SECTION 2. Unless the act so providing for the submitting of any question to the qualified voters of any township, county, village or city also provides for the calling of a special election for that purpose, no special election shall be so called, and the question so to be voted upon shall be submitted at a regular election in such township, county, village or city, and notice that such question is to be voted upon shall be embodied in the proclamation for such election.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 30, 1893.

191G

[House Bill No. 942.]

AN ACT

To protect innocent girls and unmarried women, and to punish married men pretending to be single.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any married man who shall fraudulently represent himself to be unmarried and make proposals of marriage to any unmarried female of good character, or repeatedly call on or keep company with such female upon such false pretense that he is unmarried, shall be deemed guilty of a misdemeanor, and upon conviction be fined not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300), or imprisoned in the county jail not less than six months nor more than two years, or both, at the discretion of the court.

Misrepresentation by married man; penalty.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 30, 1893.

192G

[House Bill No. 1151.]

AN ACT

To amend section 4092 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4092 of the Revised Statutes be and the same is hereby amended so as to read as follows:

Teachers' Institutes:

Sec. 4092. The board of education of each city district of the first class may provide for holding an institute yearly, for the improvement of the teachers of the common schools therein; and general meetings of the teachers of any such city district held upon not less than four days in any year, whether consecutive days or not, for the purposes of instruction, shall be deemed to constitute a teachers' institute for said city district within the meaning of this section; the expenses of such institute shall be paid from the institute fund provided for by section 4088; if the board of any district do not provide for such institute in any year, it shall cause the institute fund in the hands of the district treasurer to be paid to the treasurer of the county wherein the district is situate, who shall place the same to the credit of the county institute fund, and the teachers of the schools of such districts shall be entitled, in such case, to the advantages of the county institute, subject to the provisions of the preceding section; and the clerk of the board shall make the report of the institute required by section 4094.

Institutes for city districts of the first class.

Repeals, etc.

SECTION 2. That said section 4092 is hereby repealed, and this act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 30, 1893.
193G

[House Bill No. 1185.]

AN ACT

To amend section 1774 of the Revised Statutes of Ohio, as amended April 14th, 1888.

Officers of municipalities:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1774 of the Revised Statutes of Ohio, as amended April 14, 1888, be and the same is hereby amended so as to read as follows:

Duties of solicitor or corporation counsel as to suits.

Sec. 1774. The solicitor or corporation counsel shall, whenever required so to do by resolution of the council, or of the council or board of administration in cities of the first grade of the first class, or of the council or board of control in cities of the second grade of the first class, prosecute or defend, as the case may be, for and in behalf of the corporation, all complaints, suits and controversies in which the corporation is a party, except cases before the police court where there is a prosecuting attorney for such court and such other suits, matters and controversies as he shall, by resolution or ordinance, be directed to prosecute; but shall not be required to prosecute any action before the mayor for the violation of any ordinance without first advising such action.

Repeals, etc.

SECTION 2. Said section 1774 of the Revised Statutes, as amended April 14, 1888, is hereby repealed, and this act shall take effect from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 30, 1893.
194G

[House Bill No. 1212.]

AN ACT

To amend section 560 of the Revised Statutes of Ohio.

Attorneys at law:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 560 of the Revised Statutes be amended so as to read as follows:

Sec. 560. No person shall be admitted to such examination unless he is twenty-one years of age, has resided in the state for the year next preceding, and is a citizen of the United States, or has declared his intention of becoming a citizen thereof; nor until he has produced from some attorney at law a certificate setting forth that the applicant is of good moral character, and that he has regularly and attentively studied law during the period of two years previous to his application, and that he believes him to be a person of sufficient legal knowledge and ability to discharge the duties of an attorney and counselor at law; but any person residing in the state, or coming into the state for the purpose of making it his permanent residence, upon producing satisfactory evidence that he has studied law for a period of two years under the tuition of some attorney at law, and has been regularly admitted as an attorney and counselor at law in some court of record within the United States, or that he has been in the practice of law in some one of the states or territories of the United States during the period of two years, may be admitted to such examination upon producing satisfactory evidence that he is of good moral character. Provided, that a person who has become a resident of this state and who having studied law for a period of at least two years and passed a regular examination and has been regularly admitted as an attorney and counselor at law in the highest court of any other state in or of the United States, and has been in active practice of the law in such state or in the supreme court of the United States for a period of not less than five years immediately preceding his removal to the state of Ohio, upon producing satisfactory evidence of such admission, study, and practice and good moral character, may be admitted without such examination.

Requirements
for admission to
examination.

Admission to
practice without
examination.

SECTION 2. That said original section 560 is hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 30, 1893.

195G

[House Bill No. 1226.]

AN ACT

To amend section 5167 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5167 of the Revised Statutes be and the same is hereby amended so as to read as follows:

Summoning
jury, etc.:

Sec. 5167. The clerk of the court shall, within five days from the receipt of the list, write the name of each person so selected upon a separate piece of paper, and after

Drawing and
summoning of
grand and petit
jurors.

having emptied the box herein provided for, of any names that may then be therein and destroying the same, he shall then put said pieces of paper containing the names of the persons so selected, into a box, to be provided by him at the expense of the county and securely kept for the purpose, and shall, at the clerk's office, between the hours of ten o'clock forenoon and twelve o'clock noon, on the fourth Monday previous to the sitting of the court of common pleas, in the presence of the sheriff, by whom the box shall be shaken before the drawing is made, so as to mix the ballots on which the names are written, and in the presence of any other citizens who may choose to attend, proceed to draw twenty-seven ballots, and such additional number of ballots, if any, not exceeding eight, as the judge of the court of common pleas, in vacation or term time, may direct, but if any ballots so drawn shall bear the name of a person who, at the time of such drawing is known by the clerk to be deceased or to have become a non-resident of the county, every such ballot shall be destroyed, and the same shall not be counted, and the clerk shall continue such drawing until he shall have drawn the required number of ballots, exclusive of those destroyed, as aforesaid, the persons named on the first fifteen of which shall be summoned as grand jurors, and those named on the remainder shall be summoned as petit jurors, and in case of challenge, inability to serve, or other cause, it becomes necessary to fill the panel, the whole of the number of persons so summoned as petit jurors shall be first exhausted before resorting to other means to fill the same; and the clerk shall forthwith issue a venire to the sheriff, commanding him to summon the persons whose names are so drawn to attend as jurors at the seat of justice of the county, on the first day of the next term of the court of common pleas holden therein, at ten o'clock A. M., unless the judge of the court of common pleas, by order made in vacation or term time, direct on what day of the term the petit jurors shall appear, whereupon the clerk shall issue a venire accordingly.

Repeals, etc.

SECTION 2. That said section 5167 of the Revised Statutes is hereby repealed; and this act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 30, 1893.

197G

[House Bill No. 1519.]

AN ACT

To amend section 1 of the act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," as amended April 18, 1892 (89 O. L., p. 432).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes herein named,' passed April 30, 1891," passed April 18, 1892 (O. L. 89, p. 432), be so amended as to read as follows:

Conduct of elections:

Sec. 1. That hereafter elections of all public officers, except school directors of subdistricts and joint subdistricts, and special school districts holding election on the second Monday of April, and all officers of original surveyed townships, in this state shall be conducted according to the provisions of this act and existing laws not inconsistent therewith.

Conduct of elections of public officers; exceptions.

SECTION 2. Said original section 1 is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed March 30, 1893.
199G

[House Bill No. 1614.]

AN ACT

To supplement section 2559 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2559 of the Revised Statutes be and the same is hereby supplemented with sectional numbering as follows:

Public halls:

Sec. 2559b. Wherever in cities of the first grade of the first class a new city hall has been or may hereafter be erected and completed under the provisions of section 2559a of the Revised Statutes, the board of legislation of such city may appropriate and set aside from the contingent fund or any other fund in which there may be money available, a sum not exceeding \$5,000 for the purpose of defraying the expense of the celebration of the opening or dedication of such new city hall. Such money shall be expended by and under the direction and supervision of a committee of the

Expense of dedication of new city hall (Cincinnati).

board of legislation appointed for the purpose, acting with the board of administration of such city. And the vouchers for such expenditures must be regularly passed through and approved by the board of administration of such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 30, 1893.

200G

[House Bill No. 1637.]

AN ACT

To change the name of Salina Grace Pierpont to Salina Grace Porter.

Changing name
of Salina Grace
Pierpont.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the name of Salina Grace Pierpont, of Belle Centre, Logan county, be and the same is hereby changed to Salina Grace Porter.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed March 30, 1893.

203G

[Senate Bill No. 356.]

AN ACT

To amend section 1694 of the Revised Statutes.

By-laws, reso-
lutions and or-
dinances:

Reading, sub-
ject, revival,
amendment, re-
peal and adop-
tion or passage
of by-laws, reso-
lutions and or-
dinances.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1694 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Sec. 1694. By-laws, resolutions and ordinances of a general or permanent nature, shall be fully and distinctly read on three different days, unless three-fourths of the members elected dispense with the rule; and the vote on such suspension shall be taken by yeas and nays, separately on each by-law, resolution or ordinance, and entered on the journal. No by-law or ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no by-law or ordinance, or section thereof, shall be revived or amended, unless the new by-law or ordinance contain the entire by-law or ordinance, or section revived or amended; and the by-law or ordinance, section or sections so amended shall be repealed; and every such by-law, reso-

lution and ordinance shall be adopted or passed by a separate vote of the council and the yeas and nays shall be entered upon the journal.

SECTION 2. Said original section 1694 be and the same Repeals.
is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1893.
204G

[Senate Bill No. 394.]

AN ACT

To amend section 5986 of the Revised Statutes, so as to authorize the appointment of a trustee to execute a testamentary trust, where the will names no trustee.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5986 of the Revised Statutes wills:
shall be amended so as to read as follows :

Sec. 5986. If any testamentary trustee shall die, decline to accept, resign, become incapacitated, or be removed, and such will has not provided for the contingency of the death, incapacity or refusal of such trustee or trustees to accept or execute the trust, or such will names no trustee, the probate court, having probate of said will, may appoint some suitable person or persons to execute the trust according to the will, who shall give bond with security as provided herein.

When probate judge may appoint a person to execute a trust.

SECTION 2. Said original section 5986 is hereby re- Repeals.
pealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1893.
205G

[Senate Bill No. 500.]

AN ACT

Making appropriations for the expenses of draping the state-house and attending the funeral of ex-president Rutherford B. Hayes.

Appropriation
to pay expenses
incurred at fu-
neral of ex-presi-
dent Rutherford
B. Hayes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That from any moneys in the general revenue fund of the state treasury not otherwise appropriated, the sum of four thousand three hundred and twenty dollars and forty-seven cents be and the same is hereby appropriated to pay the expenses incurred at the funeral of ex-president Rutherford B. Hayes, as hereinafter specified, to wit:

Enumeration of
such expenses.

SECTION 2. Transportation, pay and subsistence of O. N. G., decorating state-house, and expense of special train for the governor, state officials and members of the general assembly.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1893.

207G

[House Bill No. 1221.]

AN ACT

To prohibit the docking of horses.

Penalty for
docking tail of
horse, or pull-
ing out hairs of
foretop, mane
or withers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever, being the owner or having the custody, control or possession of any horse, mare, gelding, foal or filly, or who shall be an agent or employe of any such owner or person having the custody, control or possession of any horse, mare, gelding, foal or filly, shall cut off or cause to be cut off or amputated the skin, flesh, muscles, bone and integuments of the dock or tail of any such horse, mare, gelding, foal or filly, in order to shorten the natural length or proportions of such dock or tail, or shall pull out or cause to be pulled out the hairs of the foretop, mane or withers of any such horse, mare, gelding, foal or filly, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined, for the first offense not less than twenty-five dollars nor more than two hundred dollars, or be imprisoned in the county jail or work-house not exceeding six months, or both, at the discretion of the court; and for any subsequent offense under this act, such person, on conviction, shall be punished by a fine not exceeding the sum of five hundred dollars, and by imprisonment in the county jail or work-house for the period of one year. Pro-

Lawful docking.

vided, that in case it shall be necessary in case of any accident, malformation or disease, which may affect the dock or tail of any such horse, mare, gelding, foal or filly, to cut or amputate the same, such cutting or amputation shall be deemed lawful.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed March 31, 1893.
208G

[House Bill No. 999.]

AN ACT

To amend section 37 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 37 of the Revised Statutes be amended so as to read as follows:

General assembly:

Sec. 37. The resignation of a senator or representative, which is tendered during any session of the general assembly, shall not take effect until the branch of which the person tendering it is a member, has accepted the same by a vote of a majority of the members elected to such branch, exclusive of the persons tendering the resignation; but a member of either branch of the general assembly may resign, at any other time, to the governor, who shall have power to accept the same. That this provision shall not apply to a member-elect of the general assembly offering his resignation previous to the organization of the general assembly to which he has been elected.

Resignation of member.

SECTION 2. That said original section 37 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect on its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 5, 1893.
214G

[House Bill No. 1003.]

AN ACT

To amend sections 4975, 5144 and 6134 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4975, 5144 and 6134 of

Sections:

the Revised Statutes of the state of Ohio be amended so as to read as follows:

What causes of action survive.

Sec. 4975. In addition to the causes of action which survive at common law, causes of action for mesne profits, or for injuries to the person or property, or for deceit or fraud, shall also survive; and the action may be brought notwithstanding the death of the person entitled or liable to the same.

What actions abate by death of a party.

Sec. 5144. Except as otherwise provided, no action or proceeding pending in any court shall abate by the death of either or both of the parties thereto, except an action for libel, slander, malicious prosecution, for a nuisance, or against a justice of the peace for misconduct in office, which shall abate by the death of either party.

Right of action given to representative for causing death.

Sec. 6134. Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the corporation which, or the person who would have been liable if death had not ensued, or the administrator or executor of the estate of such person, as such administrator or executor shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to murder in the first or second degree, or manslaughter; and when the action is against such administrator or executor the damages recovered shall be a valid claim against the estate of such deceased person.

Repeals etc.

SECTION 2. Said original sections 4975, 5144 and 6134 are hereby repealed and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 5, 1893.

215G

[House Bill No. 1007.]

AN ACT

To amend section 6853 of the Revised Statutes of Ohio.

Killing or injuring domestic animals:

Trespassing animals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6853 be so amended as to read as follows:

Sec. 6853. The last two sections shall not extend to a person who kills or injures, or attempts to kill or injure, any animal mentioned therein while endeavoring to prevent it from trespassing upon his inclosure, or while it is trespassing therein, or thereafter driving it away from his

premises; provided, within fifteen days payment shall be made in full for all damages done to such animal by such killing or injuring, less the amount of actual damage done by such animal while so trespassing, or a sufficient amount be deposited with the nearest justice of the peace within said fifteen days to cover all such damages. Otherwise the provisions of the two preceding sections shall be and remain in full force. Any such money so deposited with a justice of the peace to remain in his charge and custody until a determination of the amount of damages resulting from such killing or injury, and the damages from such trespassing, and while in the custody of such justice he and his bondsmen shall be responsible for its safe keeping and proper payment of such as for money collected on a judgment, and such justice shall be entitled and draw a fee of five per cent. for his services in becoming such custodian.

SECTION 2. That original section 6853 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 5, 1893.
216G

[House Bill No. 1051.]

AN ACT

To amend section 3262 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3262 of the Revised Statutes be amended so as to read as follows: Corporations:

Sec. 3262. A corporation for profit, after its original capital stock is fully subscribed for, and an instalment of ten per cent. on each share of stock has been paid thereon, or a corporation not for profit, having a capital stock, may increase its capital stock or the number of shares into which its capital stock is divided, by the unanimous written consent of all original subscribers, if done prior to organization, and after organization then by a vote of the holders of a majority of its stock, at a meeting called by a majority of its directors, at least thirty days' notice of the time, place and object of which has been given by publication in some newspaper of general circulation, and by letter addressed to each stockholder whose place of residence is known; or such increase may be made at any meeting of the stockholders at which all the holders of such stock are present in person, or by proxy, and waive in writing such notice by publication and by letter; and also agree in writing to such increase, naming the amount of increase to which they Increase of capital stock.

and a certificate of such action of the corporation
to be filed with the secretary of state.

SECTION 2. Section 3262 of said Revised Statutes is
hereby repealed.

SECTION 3. This act shall take effect and be in force
from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 5, 1893.
217G

[House Bill No. 1287.]

AN ACT

To amend section 6005 of the Revised Statutes of Ohio, as amended
January 26, 1893.

SECTION 1. *Be it enacted by the General Assembly of
the State of Ohio,* That section 6005 of the Revised Stat-
utes of Ohio, as amended January 26, 1893, be amended so
as to read as follows:

Sec. 6005. Administration of the estate of an intestate
shall be granted to some one or more of the persons herein-
after mentioned, who shall be residents of this state, and
they be respectively entitled thereto in the following order,
to wit:

First—The husband or widow of the deceased.

Second—One or more of the next of kin of the deceased;
providing, however, the probate court may grant letters of
administration jointly to the husband or widow and one or
more of such next of kin, and upon failure of the person or
persons so entitled to administer the estate to voluntarily
either take or renounce such administration, they shall, if
resident within the county, be cited by the court for that
purpose.

Third—If the persons so entitled to administration are
incompetent, or evidently unsuitable for the discharge of
the trust, or if they neglect, without any sufficient cause, to
take administration of the estate, the court shall commit it
to one or more of the principal creditors, if there be any
competent and willing to undertake the trust.

Fourth—If there be no such creditor, and the court is
satisfied the estate exceeds the value of one hundred dollars,
the court shall commit administration to such other person
as it shall think fit; provided, however, that letters of ad-
ministration shall not be issued upon the estate of an intes-
tate until the person to be appointed has made and filed
an affidavit that there is not, to his knowledge, any last will
and testament of the alleged intestate; provided, further,
that every person, before being appointed executor or ad-

Executors and
administrators:

Granting of let-
ters of adminis-
tration.

ministrator, shall make and file an application under oath, which shall contain the names of husband or widow, and all the next of kin of the deceased to such person known, their post-office address if known, and also a statement in general terms as to what the estate consists of, and the probable value thereof.

SECTION 2. That said section 6005 of the Revised Statutes of Ohio, as amended January 26, 1893, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 5, 1893.
218G

[House Bill No. 1274.]

AN ACT

To amend supplementary section 6946a of the Revised Statutes of Ohio, passed April 12, 1888, and amended April 12, 1892, and to further supplement original section 6946 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section 6946a of the Revised Statutes of Ohio, passed April 12, 1888, and amended April 12, 1892, be amended; and original section 6946 of the Revised Statutes be further supplemented so as to read as follows: Offenses against public policy.

Sec. 6946a. Whoever sells or gives away any ale, beer, wine, cider or other intoxicating liquors at any place within one and one-half miles outside of the boundary line of the lands occupied by any home, retreat or asylum for disabled volunteer soldiers, or soldiers and sailors, which has been or may hereafter be established by the government of the United States shall be fined upon conviction not more than one hundred dollars nor less than twenty-five dollars, and imprisoned thirty days; and on conviction of the owner or keeper thereof the place wherein such intoxicating liquor shall have been sold or given away shall be, by order of the court wherein such conviction is made, within ten days thereafter, shut up and abated as a nuisance. And it is hereby made the duty of the prosecuting attorney of the county in which any such institution is or may be located to prosecute all offenders against the provisions of this act. Penalty for selling or giving away intoxicating liquors near lands of national military home.

Duty of prosecuting attorney.

Sec. 6946b. Whoever sells or gives away any ale, beer, wine, cider or other intoxicating liquors at any place within one mile outside of the boundary line of the lands occupied by any home, retreat, or asylum for disabled volunteer soldiers, or soldiers and sailors, which has been or may hereafter be established by the state of Ohio, shall be fined upon Penalty for selling or giving away intoxicating liquors near lands of Ohio soldiers' and sailors' home.

more than one hundred dollars nor less than one hundred dollars, and imprisoned thirty days; and the owner or keeper thereof the place where such intoxicating liquor shall have been sold or consumed shall be, by order of the court wherein such judgment is made, within ten days thereafter, shut up and kept in such place. And it is hereby made the duty of the prosecuting attorney of the county in which any such place is or may be located to prosecute all offenders under the provisions of this act.

SECTION 2. That said supplementary section 6946a of the Revised Statutes, passed April 12, 1888, and amended April 12, 1892, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 6, 1893.

220G

[Senate Bill No. 242.]

AN ACT

To amend section 1448 of the Revised Statutes of Ohio, as amended March 30, 1888, relative to the election of township officers, and further amended March 7, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1448, as amended March 30, 1888, of the Revised Statutes of Ohio, be so amended as to read as follows:

Sec. 1448. After the judges and clerks have been qualified as aforesaid, the electors shall proceed to the election of one township clerk, one trustee, one township treasurer and such number of constables as may be directed by the trustees, and one supervisor of roads by the electors of each road district, and one assessor for the township, or if the township is divided into two or more election precincts, then for each precinct in which such election is held; provided, that when any precinct in any county is composed of territory from two or more townships, for the purpose of electing assessors such territory shall be considered as part of the precinct adjacent thereto, in the township in which it is located, excepting in counties containing cities of the first grade of the first class; and the judges and clerks in discharging their duties in said election shall be governed in all respects by the law regulating elections, but it shall not be necessary to send a poll-book to the clerk of the court of common pleas of the proper county; and in case any two or more persons have the highest and an equal number of votes for any one of the township offices

Office of city
clerk.

Division of
township com-
missioners.

Assessor when
precinct com-
posed of terri-
tory from two or
more townships;
election road-
ward.

Law governing
judges and
clerks.

The vote.

directed to be filled, the clerk and judges of the election shall determine by lot which of the persons is duly elected; and the officers so elected shall hold their respective offices for the following terms, and until their successors are elected and qualified: Supervisors of roads and assessors, one year; township clerk and treasurer, two years; and constables, three years; and trustees, three years; provided, that at the first annual election of any new township there shall be elected three trustees, the one receiving the highest number of votes to serve three years; the one receiving the next highest number of votes to serve two years, and the one receiving the next highest number of votes to serve one year; should any two or more of those elected receive the same number of votes, they, at the first meeting of the board after their election, shall determine by lot the term for which each of them receiving an equal number of votes shall respectively hold the office; and provided, further, that at the next annual election after the passage of this act, and at the first election of any new township, a treasurer shall be elected for one year and a clerk for two years, and thereafter a township treasurer and clerk shall not be elected at the same annual election.

Terms of office.

Trustees of new township.

Tie vote.

Treasurer and clerk.

SECTION 2. Said original section 1448, as amended March 30, 1888, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 6, 1893.
221G

[Senate Bill No. 403.]

AN ACT

To amend sections 4497 and 4498 of the Revised Statutes of Ohio, as amended by an act passed April 15th, 1892 (O. L., vol. 89, page 305).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 4497 and 4498 of the Revised Statutes of the state of Ohio, as amended by an act passed April 15th, 1892, be amended to read as follows:

County ditches:

Sec. 4497. When a county ditch needs to be cleaned out, any three owners of tracts of land which drain into and were assessed for the original construction of the ditch, and in cases wherein all such tracts of land may be owned by not more than three owners, any two of them, and in cases where such lands are owned by only two owners one of them may make a statement to the county auditor, in

Statement when ditch needs to be cleaned out.

Appointment,
qualification
and instruction
of examiner.

Duties of exam-
iner.

Examination of
ditch and accept-
ance of portions
cleaned out.

Sections or por-
tions unfin-
ished.

Acceptance of
entire ditch:
apportionment
and payment of
expenses.

writing, setting forth such necessity, and thereupon the county commissioners shall appoint an examiner who shall be a civil engineer or who shall be a disinterested freeholder of the county, and furnish him with the number of stakes, a record of their location, the depth and width and other necessary information regarding the ditch, and set the time for cleaning the same. The examiner so appointed shall, after being sworn, without unnecessary delay, examine and reapportion any section or sections which may belong to land which may have been subdivided, and restake the ditch and notify the owners of each piece of land taxed for the original construction, designating the amount, dimension and location of his original apportionment, to clean out the same within the time set by the county commissioners unless he shall find that the necessity for cleaning out has occurred by the act or neglect of any land owner along the line of the ditch, in which case such act or neglect shall be considered. The examiner shall then make a return of his proceedings to the county commissioners who shall make a proper record of the same.

Sec. 4498. At the expiration of the time for the cleaning out of the ditch, as fixed by the county commissioners, the examiner shall examine the ditch and issue certificates of acceptance to all who have cleaned out their apportionment to the original depth and width. If any sections or parts of sections shall be found unfinished the examiner shall advertise ten days and sell all such remainders in entirety, or in sections to the lowest bidder, and the contractor or contractors shall give suitable bonds to complete the work in an acceptable manner within thirty days of sale, and the examiner shall have power to enforce the conditions of the bonds. After the examiner shall have accepted the entire ditch he shall return to the county commissioners a statement of such acceptance, with an itemized statement of all necessary expenses, including cost of cleaning out, and three dollars a day for himself or if a civil engineer \$4 per day and one dollar and fifty cents a day for necessary help for the time actually employed by himself and help, and the amount to be assessed to each tract, and if found to be correct the county commissioners shall make a proper record of the same, and place the several amounts as apportioned by the examiner upon the duplicate against the lands upon which they are assessed, to be collected as other taxes, and accredited to the general fund, and the examiner and expenses and contractors shall be paid by warrant of the auditor on the county treasurer out of the general fund.

SECTION 2. That said sections 4497 and 4498, as amended April 15th, 1892, be and the same are hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 6, 1893.
222G

[House Bill No. 1273.]

AN ACT

To supplement an act entitled "An act to provide for the erection of monuments and tablets to mark the positions of Ohio troops on the battle-field of Chickamauga," passed May 4, 1891.

WHEREAS, Under the act of congress approved August 19, 1890, establishing the Chickamauga and Chattanooga national military park, and subsequent amendments thereto, the government has purchased 5,000 acres of the Chickamauga battle-field, embracing most of the heavy fighting-ground; and Preamble.

WHEREAS, The states of Georgia and Tennessee have ceded to the United States jurisdiction over the said battle-field, and over not only the roads approaching it, but the roads over Lookout mountain, and the road along the crest of Missionary ridge; and

WHEREAS, The national commission appointed under the act of congress referred to, proposes to restore, and has already to a large extent, restored the said field of Chickamauga to the condition it was in at the time of the battle, by clearing away new growths of timber, closing new roads and reopening old ones; and

WHEREAS, The said national park, with its graded avenues between battle-lines, and its handsome monuments commemorative of American valor, will, when completed, be of national interest; and

WHEREAS, Under an act entitled "An act to provide for the erection of monuments to mark the positions of Ohio troops on the battle-field of Chickamauga," passed by the general assembly of Ohio May 4, 1891, eight commissioners were appointed to serve without pay, charged with the duty of selecting the sites for said monuments; and

WHEREAS, The said commissioners, in coöperation with the representatives of Ohio regiments and batteries, and with the approval of said representatives, have carefully selected the sites for said monuments, over fifty of which sites have been already accepted by the national commission as historically accurate; and

WHEREAS, Said commissioners, having substantially completed the preliminary task assigned them by the gen-

Preamble.

eral assembly, are now ready to proceed to the execution of the further work contemplated by the act of May 4, 1891, to wit: "The erection of monuments and tablets to mark the positions of Ohio troops on the battle-field of Chickamauga;" and

WHEREAS, The said commissioners have made an estimate of the sum of money required for the completion of said work, said estimate being as follows, to wit: Monuments for 42 regiments of infantry, costing not to exceed \$1,500 each, \$63,000.00; monuments for three regiments of cavalry, costing not to exceed \$1,500 each, \$4,500.00; monuments for ten batteries and one battalion of sharpshooters, costing not to exceed \$1,000 each, \$11,000.00; tablets to mark the various positions of organizations during the progress of the battle, \$5,000.00; incidental expenses, including clerk hire, office rent, traveling expenses, stationery, and such other items of expense as may occur in making contracts for monuments and supervising their erection, \$6,500.00; total \$90,000.00; and

WHEREAS, It is the judgment of said commissioners that for the economical prosecution of the work contemplated, \$5,000 should be available and subject to the orders of said commission, on and after August 1, 1893; \$45,000 on and after March 1, 1894, and \$40,000 not later than March 1, 1895, at which latter date, being within two years of the present time, it is proposed to have all the monuments and tablets erected and the work of the commission completed; now, therefore,

Additional appropriation for monuments on battle-field of Chickamauga.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in addition to the sum appropriated by the provisions of the aforesaid act, there is hereby appropriated out of any funds in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of ninety thousand dollars, to be used as hereinafter provided, warrants for which shall be drawn by the auditor of state upon the treasurer of state, at the times and for the sums following: August 1, 1893, a warrant for five thousand dollars; March 1, 1894, a warrant for forty-five thousand dollars; and March 1, 1895, a warrant for forty thousand dollars. Said warrants to be issued by the auditor of state on requisitions duly approved by a majority of the members of the said Ohio commission, and made payable to the order of the treasurer of said commission, who shall file with the auditor of state a detailed statement of the expenses paid from the appropriation hereby made.

Warrants.

Account and report of disbursements.

SECTION 2. Said commission shall keep an accurate account of all disbursements, and make a full report thereof to the governor on or before the 15th day of November each year during the continuance of said trust.

Consultation as to style of monuments and inscriptions.

SECTION 3. The representatives of regiments and batteries shall, in so far as it is practicable to do so, be consulted by the commission as to the style of monuments they desire, and as to the inscriptions to be put thereon.

And any regimental or battery organization shall be permitted to raise by private subscription such additional sum of money as it may see fit, to be used in connection with the money supplied by the state in the purchase and erection of the monument for such regiment or battery.

Private subscriptions.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.
224G

[House Bill No. 1492.]

AN ACT

To amend an act entitled "An act to permit mine and quarry operators to cross roads," passed February 17, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to permit mine, quarry operators to cross roads," passed February 17, 1893, be amended so as to read as follows: That any individual, partnership or corporation in Ohio, who may now or hereafter own any land or any interest either in fee or otherwise, containing any coal, clay or stone, and over any portion of which shall pass any state, county or township road or public highway, with the consent of the board of county commissioners in case of state or county roads or township trustees in case of township roads, shall have and are hereby authorized to excavate, mine, quarry through or under any such road; provided, however, that before said work shall be commenced, said individual, partnership or corporation shall execute and deliver to the board of county commissioners of any such county, a bond with good and sufficient surety, in such an amount as shall be by said board considered sufficient to cover all damages that may accrue by reason of excavating, mining or quarrying through or under any such road, the same to be approved by said board; conditioned, that while crossing over or mining or quarrying under any such road, a safe and unobstructed passageway or road shall be kept open by such individual, partnership or corporation for public use, and as soon as practicable the said road shall be fully restored to its original safe and passable condition.

Conditions upon which mine and quarry operators permitted to undermine or cross public roads.

Repeals, etc.

SECTION 2. That said original act entitled "An act to permit mine, quarry operators to cross roads," passed February 17, 1893, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.
225G

[House Bill No. 1717.]

AN ACT

To change the name of Cora Essig.

Changing name
of Cora Essig.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Cora Essig, a resident of Portage county, Ohio, be and is hereby changed to Cora Williams.

Effect of change.

SECTION 2. Said change shall in no way affect the rights, privileges and liabilities of the person herein named.

SECTION 3. This act to take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.
227G

[Senate Bill No. 473.]

AN ACT

To amend section 4104 of the Revised Statutes of Ohio.

Cincinnati and
Toledo universi-
ties:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4104 of the Revised Statutes of Ohio be amended so as to read as follows:

Tax for support.

Sec. 4104. The board of education of the city may, upon the application of said board of directors, assess and levy a tax on the taxable property of the city, not exceeding three-tenths of one mill on the dollar valuation thereof, to be applied by the board of directors to the support of such university, college or institution, and the board of education shall also assess and levy, annually, not less than three-hundredths nor more than five-hundredths of one mill on the dollar of such valuation, for the establishment and maintenance of an astronomical observatory in connection with such university, college or institution, the proceeds of

which shall be paid to the board of directors, and applied by them for said purpose exclusively.

SECTION 2. Said original section 4104 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.
228G

[Senate Bill No. 536.]

AN ACT

To convey public burying-ground.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever any public burying-ground is located on or near a township line, and is used by the people of two or more townships for burying purposes, the title of which is vested in any religious or benevolent society, such religious or benevolent society, or the trustees thereof, may convey the same to the trustees of such townships so using the same, and their successors in office, jointly; and the trustees of such townships shall accept the same and shall jointly take possession of the same, and take care and keep the same in repair, as required as to public burial-grounds in and belonging to the respective townships, and each township shall bear an equal share of the expenses thereof; and the trustees of each township shall levy needful taxes in that behalf, not exceeding in any one year more than one-fourth of one per cent.

Conveyance of public burying-ground from religious or benevolent society to townships using same.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.
229G

[House Bill No. 1257.]

AN ACT

To provide an official stenographer for certain counties therein described.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in all counties having a population of 35 377, by the federal census of 1890, or which at any subsequent federal census may have such population, the court of

Official stenographer for Scioto county; appointment.

Term. common pleas or the judge thereof in vacation may appoint one official stenographer for such county, who shall hold his office for a term of three years from and after the date of his appointment, and until his successor be appointed and qualified, unless he shall be removed by the court for the neglect of duty, misconduct or incompetency. Such official stenographer shall take an oath that he will faithfully discharge the duties of his office; and he shall receive a salary of five hundred dollars per annum, payable in equal monthly instalments, out of the county treasury, which salary shall be in lieu of all per diem fees in the circuit, common pleas and probate courts; and it shall be the duty of the auditor of such counties to issue warrants on the treasurer for the payment of said salary out of the general fund, upon presentation to him of a certified copy of the journal entry of the appointment of said official stenographer.

Stenographic notes.

SECTION 2. It shall be the duty of such stenographer, unless waived by the parties, to make, or cause to be made, accurate stenographic notes of the testimony of the witnesses, the charge of the court to the jury, all opinions rendered, and all such other oral proceedings as the court or the parties may direct in all cases actually tried in the circuit, common pleas and probate courts, to the court or jury, the shorthand notes so taken to be the property of the county, and carefully preserved in the office of such stenographer. The court shall not be required to reduce to writing the charge to the jury in any case in which such stenographic notes shall be taken of the charge and a transcript in longhand of such charge may be taken by the jury in their retirement and returned with their verdict into court. It shall also be the duty of such stenographer to make, or cause to be made, at the request of either party, his attorney or the court, an accurate transcript into longhand of the notes so taken in any case, to be paid for forthwith by the party or parties ordering the same, but no transcript of the notes into longhand shall be paid for out of the county treasury in any case, unless such transcript shall be ordered by the judge trying the case, for his own use, and in criminal cases, by the prosecuting attorney, and the transcript into longhand of the charge of the court to the jury when requested by either party. Such stenographer shall also without extra compensation, take from the dictation of the court, such shorthand notes as may be required in preparing opinions and charges to juries. And when required by the prosecuting attorney, and after taking the grand juror's oath of secrecy, shall make accurate stenographic notes of the testimony of witnesses called before the grand jury; all transcripts of which in longhand shall be paid for out of the county treasury.

Transcripts.

Opinions and charges of court.

Testimony of witnesses before grand jury.

Fees for making transcripts.

SECTION 3. Such stenographer shall receive, for making such transcripts of said notes into longhand, eight cents per folio of one hundred words, and when more than one such transcript shall be ordered at the same time, the fee

for making such additional transcript shall be one-third the fee allowed for the first copy. And in every case reported in said courts, there shall be taxed for each day's services of such stenographer a fee of three dollars, to be collected as other costs in the case, and when so collected, to be paid quarterly into the treasury of the county, by the clerk of the court.

Additional costs for stenographer's services.

SECTION 4. Such stenographer shall have his office in the court-house of the county, and shall have power to take and certify depositions in any of the courts in this state, and may be appointed referee to take and report proof in causes pending in any of the courts of this state; and in taking such depositions and proof, he shall have power to swear witnesses, and for services under this section, shall be entitled to receive ten cents per folio of one hundred words.

Office and powers of stenographer; fees for taking depositions and proof.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.
230G

[House Bill No. 1403.]

AN ACT

To enable cemetery associations to secure land for entrance to their grounds or for the improvement of entrances already made.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever in the judgment of the officers of any cemetery association within this state, it is necessary to secure additional land for the purpose of making an entrance to its grounds, or to improve an entrance already made, said officers may make application to the county commissioners of the county in which said cemetery is located for the appointment of appraisers; the county commissioners shall, upon such application being made to them, appoint three disinterested freeholders of the county as appraisers, whose duty it shall be to view the land sought to be obtained, and appraise its value, and make due return of said appraisement to the county commissioners; and when said cemetery association shall have made payment of the amount of said appraisement, together with the cost thereof, then the title to said land shall vest in said association; an appeal may be taken from the appraisement made by such appraisers to the probate court of the county in which such cemetery or such entrance may be located in manner provided in chapter 4, title 6, of the Revised Statutes.

Manner of securing additional land for entrance to grounds owned by cemetery association.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 6, 1893.

231G

[House Bill No. 354.]

AN ACT

To provide for the designation of police-stations for the detention of women and children under arrest, and for the appointment of police matrons therefor in all cities of the first, second and third grade of the first class and the first and second grade of the second class, and third grade (a) of the second class.

Station-houses
for detention of
women and
female children
(Cincinnati,
Cleveland, To-
ledo, Columbus,
Dayton and
Springfield).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the mayor of every city of the first class, first, second and third grades, of the second class, first and second grade and third grade a, shall, within three months after the passage of this act, designate one or more station-houses within each such city for the detention and confinement of all women and female children under arrest in said city, and see that provisions are made by which the rooms or cells set apart for the detention of such women or female children under arrest shall be separate from and out of sight of the rooms or cells in which male prisoners are confined.

Police matrons.

SECTION 2. The mayors of all cities, designated in the foregoing section, shall, within three months after the passage of this act, appoint for each station-house described in the foregoing section, two or more respectable women to be known as police matrons, in the same manner and subject to the same restrictions as patrolmen so far as the same may be applicable. The aforesaid police matrons shall have charge of all women and female children under arrest, performing such searches of the person as may be necessary, accompanying those who require such aid to court, and giving them such comfort as may be in their power.

Room for
matrons

SECTION 3. A suitable room shall be provided for the police matrons to which they may retire when not on active service, and find such rest and refreshment as may be needed.

Requirements
for appointment
as matron.

SECTION 4. No woman shall be eligible to appointment as a police matron unless she be over thirty years of age, of good moral character and of sound physical health. Her application for appointment must be indorsed by at least ten women of good standing, residents in the city in which the appointment is to be made.

SECTION 5. Police matrons shall upon appointment hold office until removed by death, resignation or discharge. They may be dismissed from service only after charges have been made against their conduct, and such charges have been investigated and approved by the authority appointing them. A police matron shall be subject to the authority of the board of police, or if there be no such board in the city where she may be appointed, then to the chief of police and the rules and regulations prescribed by such authority; and in the station where she may be on duty she shall be subject to the authority of the officer in command thereof.

Term of office of matron; dismissal; to whose authority subject.

SECTION 6. A police matron shall receive a salary not less in any case than two-thirds of the minimum salary paid to patrolmen in the city in which such matrons are appointed. The proper local authorities in all cities designated in section 1 of this act shall appropriate annually such sums as may be necessary for the arrangements needed to secure the separate care and confinement in the station-houses of all women and children under arrest, and for the appointment, salary and maintenance of police matrons.

Salary of matron; provision for confinement of women and children.

SECTION 7. In cities where work-houses are established for the confinement of women, or where there are houses of detention, police matrons shall have at all times the right of entrance to such establishments and shall visit them whenever in their judgment such visits may be of use.

Right and duty of matron in city having work-house or house of detention.

SECTION 8. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeals.

SECTION 9. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 7, 1893.
235G

[House Bill No. 967.]

AN ACT

To amend sections one and four of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension fund, to provide and distribute such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class," passed March 16, 1887, and as amended March 18, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one and four of an act entitled "An act to create and perpetuate a board of trustees of the firemen's pension fund, to provide and distribute

Firemen's pension fund:

such fund for the pensioning of disabled firemen, and the widows and minor children and dependent mothers or fathers of deceased firemen, in cities of the third grade of the first class, and of the third grade of the second class," passed March 16, 1887, and as amended March 18, 1889 (O. L., vol. 86, p. 114), be and the same are hereby amended so as to read as follows, viz.:

Board of trustees of the firemen's pension fund in cities.

Sec. 1. That the persons who, from time to time, compose the board of fire commissioners, the board of police and fire commissioners, or such other board or commission of the city council of any city, having control or management of the fire department of such city, and three other persons, members of the fire department therein, elected as hereafter provided, or such other person or persons as are by law authorized to take charge of and manage such fund, shall be called the board of trustees of the firemen's pension fund. Provided, however, that in any city coming within the operation of the provisions of this act, which has no board of fire commissioners, board of police and fire commissioners, or other board or commission controlling or managing the fire department of such city, or other person or persons authorized by law to take charge of and manage such fund, the council of such city shall appoint three persons electors within such city, who, together with said three members of the fire department elected as hereinafter provided, as aforesaid, shall constitute the said board of trustees of the firemen's pension fund of such city.

Tax on foreign insurance companies applied to fund.

Sec. 4. That the county treasurers of counties containing a city shall, semi-annually, at the time of making their semi-annual settlement with the auditors of their respective counties, pay over to the treasurers of any city in any such county, on the warrant of the county auditor, one-half of the taxes paid into the treasury of such county by insurance companies incorporated by the authority of any other state or government, and doing business in any such city, on the gross receipts of every such insurance company under and by virtue of the provisions of section 2745 of the Revised Statutes, and during the half year preceding such semi-annual settlement, and the money so paid over to such city treasurer shall, together with the amount heretofore so paid, constitute a pension fund for the purposes and objects hereinafter set forth. Provided nothing herein contained shall be construed to alter, amend, supplement or repeal any provision of the statutes relating to or affecting the creation, control, management or maintenance of a firemen's pension fund for cities of the first or second grade of the first class or of the first or second grade of the second class.

Cincinnati, Cleveland, Columbus and Dayton.

Repeals

SECTION 2. That said sections one and four, as amended March 18, 1889, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
 ANDREW L. HARRIS,
President of the Senate.

Passed April 7, 1893.
 236G

[House Bill No. 945.]

AN ACT

To amend and supplement section 3641 of the Revised Statutes of Ohio; to amend section 3654 of the Revised Statutes of Ohio, and to repeal an act entitled "An act to facilitate the giving of bonds by law," passed February 3, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 3641 of the Revised Statutes of Ohio, as amended March 16, 1891, be amended and further supplemented, and that section 3654 of the Revised Statutes, as amended April 17, 1891, be amended so as to read as follows:

Insurance companies other than life:

Sec. 3641. A company organized under this chapter may:

Powers of companies.

First—Insure houses, buildings and all other kinds of property, against loss or damage by fire and lightning or tornádoes, in and out of the state, and make all kinds of insurance on goods, merchandise, and other property in the course of transportation, whether on land or water, or on any vessel or boat wherever the same may be.

Second—Make insurance on the health of individuals and against personal injury, disablement or death, resulting from traveling or general accidents by land and water; make insurance against loss or damage resulting from accident to property, from cause other than by fire or lightning; guarantee the fidelity of persons holding places of public or private trust, who may be required to, or do, in their trust capacity, receive, hold, control or disburse public or private moneys or property; guarantee the performance of contracts other than insurance policies, and execute and guarantee bonds and undertakings required or permitted in all actions or proceedings or by law allowed.

Third—Make insurance on the lives of horses, cattle or other live stock, against loss by death caused by accident, disease, fire or lightning; provided, that such company shall have a capital of one hundred thousand dollars with at least twenty-five (25) per cent. of the capital stock paid up.

Fourth—Receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds and all kinds of personal property; lend money on bottomry or respondentia, and cause itself to be insured against any loss or

Limitations.**Deposits re-
quired of guar-
anty companies.**

risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects; but no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company organized for either one of said purposes shall issue policies of insurance of any other; provided, however, that no company, organized under the laws of this state to transact the business of guaranteeing the fidelity of persons holding places of public or private trust or of executing and guaranteeing bonds and undertakings as aforesaid, shall commence business until it has deposited with the superintendent of insurance two hundred thousand dollars in securities permitted by sections 3637 and 3638 of the Revised Statutes, which shall be held by said superintendent for the benefit and security of all the policy holders of the company, and which shall not be received by the said superintendent at a rate above their par value, nor shall a company organized under the laws of another state be licensed to transact any such business in this state unless at least two hundred thousand dollars of its assets are invested in securities permitted by sections 3637 and 3638 of the Revised Statutes of this state and such securities are deposited with the superintendent of insurance of this state, or the superintendent of insurance or other officer of the state in which such company was organized, designated by the laws of such state to receive the same; and if such securities are deposited with the superintendent of insurance or other officer of another state, the superintendent of insurance of this state shall be furnished with the certificate of such state officer under his hand and official seal, that he, as such officer holds in trust and on deposit for the benefit of all the policy holders of such company, the securities above mentioned giving the items of such securities and stating that he is satisfied such securities are worth at least two hundred thousand dollars, and in addition to such certificate such company shall deposit and maintain with the superintendent of insurance of this state thirty thousand dollars for the purpose of paying any judgment obtained against them in this state in securities as permitted by sections 3637 and 3638 of the Revised Statutes of this state, and the securities so deposited with the superintendent of insurance may be exchanged from time to time, for other like securities, and so long as the corporation depositing the securities shall continue solvent and comply with the laws of this state it shall be permitted by the superintendent of insurance, to collect the interest or dividend on such deposit; provided also that any company which shall execute any bond as surety under the provisions of this act shall be estopped, in any proceeding to enforce the liability which it shall have assumed to incur,

**Denial of cor-
porate power
barred.**

to deny its corporate power to execute such instrument or assume such liability.

Sec. 3641c. In all cases in which any bond, recognizance or undertaking is now, or hereafter may be required or permitted by law, with one or more sureties, the execution of the same or the guaranteeing thereof, as the case may be, as sole surety, shall be sufficient by a company authorized to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts other than insurance policies, and to execute and guarantee bonds and undertakings in actions or proceedings or by law allowed; and when so executed or guaranteed, shall be, in all respects, a full and complete compliance with every requirement of every law, ordinance, rule or regulation that such bond, undertaking or recognizance shall be executed or guaranteed by one surety or by two or more sureties, or that such sureties shall be residents or householders or freeholders; provided, however, that such company has complied, and continues to comply with the laws of this state relative to such companies, and with such requirements as to justification, as may be prescribed by the head of the department, court, judge or officer required to approve or accept the same, and provided, that such bond, recognizance or undertaking be approved by the head of department, court, judge or officer required to approve or accept the same.

Sufficiency of bonds, recognizances and undertakings executed or guaranteed by companies.

Sec. 3654. The president or vice-president and secretary of each insurance company organized under any law of this or any other state, and doing business in this state, shall, annually, on the first day of January, or within thirty days thereafter, prepare, under oath, and deposit in the office of the superintendent of insurance a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, and in the following form, namely:

Annual statements of companies.

First—The amount of the capital stock of the company, specifying the amount paid and unpaid.

Second—The property or assets held by the company, specifying:

1. The value of the real estate owned by such company, where it is situated, and the value of buildings thereon.
2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same is deposited.
3. The amount of cash in the hands of agents and in course of transmission.
4. The amount of loans secured by bonds and mortgages, which are first lien on real estate, and on which there is less than one year's interest due.
5. The amount of loans on which interest has not been paid within one year.

Annual state-
ments of com-
pani.s.

6. The amount due the company on which judgments have been obtained and the cash value thereof.

7. The amount of stocks in this state, the United States, of any city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and the par and market value of each kind of stock.

8. The amount of stock held as collateral security for loans, with the amount loaned on, and the par and market value of each kind of stock.

9. The amount of unpaid assessments on stock, premium notes or contingent liabilities.

10. The amount of interest due and unpaid, and the amount of interest accrued but not due.

11. The amount of premium notes or contingent liabilities on which policies are issued.

12. The number of policies in force.

13. The amount insured under all policies in force.

14. The amount of premiums received thereon.

15. The amount and description of all other assets.

Third—The liabilities of the company, specifying:

1. The amount of losses due and unpaid.

2. The amount of claims for losses resisted by the company.

3. The amount of losses incurred during the year, including those claimed and not due, and those reported to the company upon which no action has been taken.

4. The amount of dividends declared and due and remaining unpaid.

5. The amount of dividends, either cash or scrip, declared but not due.

6. The amount of money borrowed, and the security given for the payment thereof.

7. The amount required for reinsurance, being, in stock companies, a sum equal to fifty per cent. of the whole amount of premiums on unexpired risks and policies; provided, that in companies guaranteeing the fidelity of persons holding places of public or private trust, the sum specified shall be a sum equal to eighty per cent. of the whole amount of the premiums on unexpired risks and policies, and in mutual companies a sum equal to fifty per cent. of the cash premiums received on unexpired risks and policies.

8. The amount of all other existing claims against the company.

Fourth—The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.

2. The amount of notes or contingent assets received for premiums.

3. The amount of interest-money received.

4. The amount of income received from other sources.

Fifth—The expenditure during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in each preceding statement.

2. The amount of dividends paid during the year.

3. The amount of expenses paid during the year including commissions and fees to agents and officers of the company.

4. The amount paid for taxes.

5. The amount of all payments and expenditures.

6. Amount of scrip dividend declared.

Every mutual fire insurance company created by or organized under any general or special law or act, and doing business in Ohio under any law of this state, upon or without the premium note plan, which shall, by its policy, by-laws or published statements of its financial affairs, claim the benefit of the guaranty fund, or the contingent liability of its policy holders, as provided for in section 3634 of the Revised Statutes, as now in force, shall be held as having organized under the laws of this state as now in force, and be governed by all the provisions thereof as applicable to such companies; and every such mutual fire insurance company that shall neglect or refuse to make and forward to the superintendent of insurance such annual report of its affairs as is required by law, or shall refuse to allow and permit the superintendent of insurance free access to its books and papers, and investigate the financial standing of such company, the charter of every such company organized under the laws of this state as aforesaid, and so neglecting and refusing, shall thereby become forfeited, and the said superintendent of insurance shall proceed without delay to bring the affairs of such company to a close.

Certain mutual fire insurance companies.

SECTION 2. That said sections 3641 and 3654, as heretofore amended, and an act entitled "An act to facilitate the giving of bonds by law," passed February 3, 1891, are hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 11, 1893.

238G

[House Bill No. 1346.]

AN ACT

To supplement section 3586 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3586 of the Revised Statutes be supplemented by an additional section as follows:

Crematories and morgues:

11.

Rights and powers of crematory associations.

Location of crematory or morgue.

Sec. 3586a. Any company or association, incorporated for the purpose of the erection and maintenance of a cemetery [crematory] or other place or building for cremating the dead, may exercise all the rights and powers conferred by this chapter, subject to the same conditions; provided, however, that no building shall be erected for any such purpose by any company, association, person or persons within three hundred yards of any dwelling-house, unless the owner of such dwelling-house give his consent, and it shall be unlawful for any person or persons, company, association or firm to establish a morgue on any street or part of a street upon which are dwelling-houses, unless the owner or occupants of such dwelling-houses within two hundred feet (200 feet) of said proposed morgue give their written consent thereto; provided that this act shall not apply to any crematory already built, or morgue already established.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 11, 1893.

239G

[House Bill No. 1478.]

AN ACT

To amend an act entitled "An act creating the office of criminal bailiff, and to prescribe his duties in counties of the first class having a population of one hundred and eighty thousand and upwards," passed April 2, 1879.

Criminal bailiff: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act, as amended April 10, 1889, be amended so as to read as follows:

Criminal bailiff (Hamilton and Franklin counties).

Sec. 1. That in all counties having a population of one hundred and eighty thousand and upwards, at the federal census [of] 1870, the judges of the court of common pleas shall, within twenty days after the passage of this act, and every two years thereafter, appoint a criminal bailiff for such county, who shall hold his office for the term of two years and until his successor is appointed and qualified; and in counties containing a city of the first grade of the second class the sheriff shall, within twenty days after the passage of this act, appoint a criminal bailiff for such county, who shall hold his office during the term of such sheriff, and thereafter, as the term of such criminal bailiff expires, his successor shall be appointed, at intervals of two years, for the term of two years. Such bailiff may be removed from office by the sheriff at any time; and all vacancies in such office shall be filled by the sheriff for the unexpired term.

SECTION 2. That section four of said act be so amended as to read as follows:

Sec. 4. Such criminal bailiff shall, before entering upon the discharge of his duties, qualify, by giving a bond to the sheriff of such county, with good and sufficient sureties, in the sum of \$5,000, conditioned upon faithful discharge of his duties; and the judges of the court of common pleas shall fix a compensation for his services, which shall be paid monthly, out of the fee fund, upon the warrant of the county auditor; but in counties containing cities of the first grade of the second class, the salary of such criminal bailiff shall be one thousand dollars per annum, payable out of the county treasury, in equal monthly instalments, upon the warrant of the auditor of the county.

Bond and compensation.

SECTION 3. That section one, as amended April 10, 1889, and section four of the act entitled "An act creating the office of criminal bailiff, and to prescribe his duties in counties of the first class having a population of one hundred and eighty thousand and upwards," passed April 2, 1879, be and the same are hereby repealed; provided, that nothing in this act shall be so construed as to affect or interfere with the term of any incumbent holding the office of criminal bailiff in any county.

Repeals.

Incumbents.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 11, 1893.
240G

[House Bill No. 1616.]

AN ACT

To amend section 2272 and to supplement section 2275 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2272 of the Revised Statutes be and the same is hereby amended so as to read as follows; and that section 2275 of the Revised Statutes be and the same is hereby supplemented with sectional numbering as follows:

Assessments:

Sec. 2272. In cities of the first grade of the first class when a petition subscribed by any owner or owners of property abutting upon any street or highway, of any description, between designated points, is presented to the board of administration for the purpose, and in other cities of the first class or in corporations in counties containing a city of the first or second grade of the first class, when a petition subscribed by three-fourths in interest of the own-

Assessment and collection of cost of improvement of street or highway when petition presented for purpose (Hamilton and Cuyahoga county corporations and Toledo).

Limitation of
assessment of
non-petitioner.

Petition of mar-
ried woman, in-
fant or insane
person.

Assessments
upon municipal
and school
property (Cin-
cinnati).

Repeals.

ers of property abutting upon any street or highway of any description between designated points, is regularly presented to the council for the purpose, the cost of any improvement of such street or highway may be assessed and collected in equal annual instalments, proportioned to the whole assessment, in a manner to be indicated in the petition, or if not so indicated, then in the manner which may be fixed by council; and the interest on any bonds issued by the corporation for the improvements, together with the annual instalments herein provided for, shall be assessed upon the property so improved; but when the lot or land of one who did not subscribe the petition is assessed, such assessment shall not exceed twenty-five per centum of the value of his lot or land after the improvement is made; provided, that whenever in this title the petition of the owners of property is required, a married woman shall have the same authority to sign that she would have if unmarried; and the guardians of infants or insane persons may sign such petition on behalf of their wards only when expressly authorized by the probate court on good cause shown.

Sec. 2275a. In cities of the first grade of the first class each department of the municipal government, having charge or control of any property assessed for the improvement of any street or highway, or for the construction of sewers, or for the construction or repair of sidewalks, or for the cost and expense of laying or extending water-mains, shall pay all such assessments out of the moneys appropriated for the use of such department; and any board of education of a school district containing a city of the first grade of the first class, shall, in like manner, out of its funds, pay all assessments for any purpose upon school property under the charge or control of such board of education.

SECTION 2. That said section 2272 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 12, 1893.

246G

[Senate Bill No. 515.]

AN ACT

To amend section 1 of the law "to regulate the manufacture, sale and use of dynamite within the state of Ohio, so as to provide for the inspection of such, and to protect the public from the dangers of explosion."

Explosives:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of the law "to regulate the manufacture, sale and use of dynamite within the state of

Ohio, so as to provide for the inspection of such, and to protect the public from the dangers of explosion" (page 307, O. L., 1892), be amended to read as follows:

Sec. 1. That the chief state inspector of workshops and factories shall appoint, from among the district inspectors of workshops and factories whose appointments are now authorized by law, at least one inspector who shall be a skilled and experienced person, thoroughly conversant with the manufacture and use of powder, dynamite, nitro-glycerine, fuses or other explosives and their compounds, whose duty it shall be to inspect all the manufacturing establishments in the state of Ohio wherein the manufacture of powder, dynamite, nitro-glycerine, compounds, fuses or other explosives are manufactured, and all magazines or store-houses wherein such explosives are stored, and he shall personally inspect the process of manufacture, the handling and storage of such explosives, and may direct and order any changes or additions that he may deem necessary in or about such manufactories, magazines or store-houses for the safety of the employes and the public; and when on inspection it is found that any manufactory, magazine or store-house mentioned herein is in such close proximity with any residence or dwelling as to cause accident in case of an explosion, the said inspector may cause the said explosives to be removed to a place of safety, the distance to be calculated by the quantity and quality of the explosives so stored or manufactured; and the said inspector may, with the advice of the chief inspector, advise such rules and regulations as he may deem necessary, in addition to the provisions of the statutes now giving authority to the inspector of workshops and factories and his assistants, all of which shall be applicable to the places of manufacturing, sale and storage of explosives as named in this statute.

Inspector of manufacture, handling and storage of explosives; appointment, qualifications, powers and duties.

SECTION 2. That the said original section 1 be and the same is hereby repealed; and this act shall take effect from and after its passage.

Repeals, etc.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 12, 1893.
247G

[Senate Bill No. 531.]

AN ACT

To supplement section 2670—1 of the Revised Statutes of Ohio, to be known as section 2670—2, to authorize cities of the second class, fourth grade, which at the last federal census had a population of not less than 10,956 nor more than 10,960, to provide for licensing owners of vehicles.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2670—1 be supplemented so as to read as follows:

Licenses:

Licensing of
owners of ve-
hicles (East
Liverpool).

Sec. 2670—2. The council of any city of the second class and fourth grade, having a population of not less than 10,956 nor more than 10,960 by the last federal census, may provide by ordinance for licensing all owners of vehicles of every kind used in the city; but no license fee shall be required of farmers marketing the product of their farms; nor shall farmers be liable for vehicles or any licenses whatever for marketing, selling, hawking or peddling the product of their farms, or for hauling any produce into or from said city to the country; nor shall any license fee be required of gardeners, fruit-growers or florists, or persons living without said city and engaged in huckstering and marketing country produce into or from said city, or of persons engaged in farming, gardening or huckstering, hauling goods or merchandise to or from such city; nor shall any license fee be required of persons living without said city using a buggy, sulky or carriage in going to and from said city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 12, 1893.

248G

[House Bill No. 1615.]

AN ACT

Supplementary to section 2293 of the Revised Statutes, to authorize cities of the first grade of the first class to improve public roads, streets, or avenues or other public highways, and to provide a fund to pay for such improvements.

Public ways:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section number 2293 of the Revised Statutes of Ohio, with sectional numbering as herein provided:

Improvement of
widened public
highways (Cin-
cinnati).

Sec. 2293/. In cities of the first grade of the first class, the board of administration of any such city or their successors in office shall have authority to cause any public road, street or avenue, or other public highway within the corporate limits of said city, which has been or hereafter may be widened to the width of eighty (80) feet, to be improved by grading, setting curbs, improving the roadway by macadamizing or otherwise and doing any and all other things necessary to complete said improvement, and, in making such improvement, the roadway shall be not less than sixty (60) feet in width, and the method of procedure in such cases shall be as follows:

1. The provisions contained in paragraphs 1, 2, 8 and 5 of section 2293a, as enacted April 25, 1885 (82 O. L. 156), and the provisions contained in paragraph 2 in section 2293b, as enacted April 4, 1888 (85 O. L. 153), in so far as the same are applicable, shall apply to improvements under this act, and be the mode of procedure hereunder; provided, that all the powers conferred upon and to be exercised by the board of public works, or by the board of public affairs, under the paragraphs aforesaid of said sections 2293a and 2293b, shall be conferred upon and exercised by the board of administration of such city or their successors in office hereunder.

Provisions applicable to improvement.

Powers vested in board of administration or successors.
2. The costs of said improvement shall be wholly borne by and paid by the city at large, upon the order of said board of administration or their successors in office, out of the fund herein provided for such improvements.

Costs of improvement.
3. In order to provide a fund for carrying on such improvements and paying the costs thereof by the city at large, it shall be lawful for said board of administration of such city or their successors in office to issue from time to time bonds in the name of said city, and under the corporate seal thereof, in an amount not to exceed \$50,000; said bonds to be of such denominations and to be payable at such time, and to bear interest at such rate, not exceeding four per cent. per annum, as said board of administration or their successors in office shall determine; said bonds shall be signed by the president of said board of administration and by the mayor of the city and attested by the city auditor, and shall be secured by the pledge of the faith of the city, and a tax, which it shall be the duty of the board of legislation of said city, annually, to levy upon all the taxable property of said city, and certify the same to the county auditor, upon a certificate to that effect from the said board of administration or their successors in office as to the amount necessary to pay the interest thereon, and to provide a sinking fund for the final redemption of said bonds. Said tax shall be in addition to the amount now authorized to be levied for municipal purposes.

Bonds and tax.
4. Said board of administration shall receive bids for said bonds, after advertising the same for sale once a week for four consecutive weeks upon the same day of the week, in some newspaper of general circulation in said city, and shall sell the same for not less than the par value thereof with accrued interest to the highest bidder. The money arising from the sale of said bonds shall be placed in a fund to be called "the highway improvement fund;" a careful account of the condition of said fund shall be separately kept by the auditor of said city and shall be used for no other purpose than herein designated.

Sale of bonds; highway improvement fund.
5. The powers herein conferred shall be additional to other powers possessed by cities of the first grade of the first class.

Powers herein additional.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 12, 1893.
249G

[House Bill No. 1742.]

AN ACT

To amend section 1943 of the Revised Statutes of Ohio.

Police pension
fund (Cleveland):

Beneficiaries of
fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1946 of the Revised Statutes be so amended as to read as follows:

Sec. 1946. When a member of the police force has become disabled while in the active performance of official duty, or has performed faithful service as a member of such force for a period of not less than fifteen consecutive years since May 1, 1866, he may, by order of the director of the police, be retired from active service and placed upon the pension roll, and when so retired shall be paid from the fund provided for in the preceding section, a pension as follows: Superintendent of police, nine hundred and fifty dollars per year; deputy superintendent of police, eight hundred and seventy dollars per year; each captain and secretary of police, seven hundred and eighty dollars per year; each lieutenant and detective, seven hundred and twenty dollars per year; each sergeant and police surgeon, six hundred and sixty dollars per year, and each patrolman, six hundred dollars per year, to be paid in equal monthly payments. Provided, that if any member of the force shall object to being retired on the ground that he is not disabled, but is able to perform his full official duty, then in such case such member of the force shall select one physician or surgeon of good repute and standing, who, acting with the police surgeon, shall select another such physician or surgeon of good repute and standing, and they three shall examine such member of the force, and the finding of a majority of such three examiners shall be final as to the ability or inability, at that time, of the member of the force so examined to perform his full duty; and if found able he shall be returned to duty. If at any time there should not be sufficient money to the credit of the police pension fund to pay all claims against it in full, claims on account of the death of members of the force, if there be any such, shall be first paid in full and with as little delay as possible, after which an equal percentage shall be paid upon all other claims to the full extent of the funds on hand, and shall be accepted as payment in full by the claimants. No member of the force shall be placed upon the pension roll unless the police sur-

geon shall certify in writing that he is permanently incapacitated, either mentally or physically, from performing his official duties, nor unless due notice is given him by the director of police of his intention to retire him. Officers on the retired list shall not be subject to the orders of the director of police. Should an officer on the retired list be found guilty of committing a felony, he shall forfeit all further claims upon the police pension fund. The board of pension trustees shall, within thirty days after the death of any member of the police force who died either in active service or while on the pension roll, pay the sum of five hundred dollars to his widow or minor children, or in case there be no widow or minor children, then to such person or persons as were dependent on the deceased for support; but if there be no such dependent person, then no money shall be paid from the fund on account of such deceased member, except a sum not exceeding one hundred and fifty dollars, to be used to defray the funeral expenses. Provided, that each member of the force shall pay one per cent. of the amount he would receive if placed on the pension roll, in equal monthly payments to the city treasurer into said fund. Any member of the police force who shall have performed duty for a period of twenty-five consecutive years shall be retired upon his own application, and shall be awarded and paid an annual pension as provided in this section.

SECTION 2. That said section 1946 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 12, 1893.
250G

[House Bill No. 1772.]

AN ACT

To amend section 1814 of the Revised Statutes of Ohio, as amended March 2, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1814 of the Revised Statutes of Ohio, as amended March 2, 1891, be so amended as to read as follows:

Sec. 1814. He shall receive for his services in city cases such salary as the council may prescribe, which shall be paid out of the city treasury; and the county commissioners shall allow him such further compensation as they deem proper, not exceeding fifteen hundred dollars per annum, which shall be paid out of the county treasury; but in cities of the first grade of the second class the prosecu-

Prosecuting attorney of the police court:

Salary.

Further compensation.

Salary in Columbus.

ting attorney shall receive an annual salary of fifteen hundred dollars payable monthly out of the city treasury.

Repeals, etc.

SECTION 2. That said original [section] 1814, as amended March 2, 1891, be and the same hereby is repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
251G

[Senate Bill No. 556.]

AN ACT

To supplement an act entitled "An act supplementary to section 2559 of the Revised Statutes of Ohio," as amended March 16th, 1891.

Cincinnati city hall:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following paragraph be enacted supplementary to section 2559 of the Revised Statutes of Ohio, as amended March 16th, 1891, with numbering as follows:

Additional bonds.

19. To provide additional funds for the purpose of the erection of such city hall, and for completing and furnishing the same the board of administration of any such city shall issue the bonds of said city in any amount not to exceed the sum of twenty-five thousand (\$25,000.00) dollars in the manner, on the terms, and under the conditions provided in paragraph twelve (12) hereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
252G

[House Bill No. 325.]

AN ACT

To amend section 6190 of the Revised Statutes of Ohio.

Executors and administrators:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6190 of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 6190. When an executor or administrator has paid or delivered over to the persons entitled thereto the money or other property in his hands as required by the order of distribution, or otherwise, he shall perpetuate the evidence of such payment by presenting to the court, within one year after such order was made, an account of such payments, or the delivery over of such property; which being proved to the satisfaction of the court, and verified by the oath of the party, shall be allowed as his final discharge, and ordered by the court to be recorded; and such discharge shall forever exonerate the party and his sureties from all liability under such order, unless his account shall be impeached for fraud or manifest error. (38 *v.* 146, § 176.)

Perpetuation of evidence of distribution of money or other property; final discharge.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
254G

[House Bill No. 1232.]

AN ACT

To pay certain deficiencies and liabilities at the boys' industrial school.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and the same are hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities, as herein specified, being claims held by the parties herein-after named against the boys' industrial school, Lancaster, Ohio: John M. King, \$148.10; George Snoke, \$1.00; Robert Clarke & Co., \$5.94; M. E. Bright, \$4.30; Jacob Luei, \$5.36; J. B. Orman Bros., \$203.69; McCracken & Winter, \$43.76; Ulrick & Bader, \$34.58; George Hamberger, \$4.50; A. B. Kistler, \$96.60; Lancaster Gas Light Co., \$2.75; Thos. Wetzler, \$3.00; S. F. Van Dyke, \$1.90; H. Snyder, \$3.65; J. W. Pickering, \$27.15; A. Deeds & Son, \$135.00; J. W. Pepper, \$2.62; James McManamy, \$62.69; H. A. Martens & Sons, \$62.62; B. F. Price, \$35.25; A. Bauman, \$5.78; John A. Heim, \$1.60; B. F. Shubert, \$23.50; George Carter, \$19.37; Cincinnati Type Foundry, \$6.00; Chatfield & Wood Co., \$60.38; Peter Henderson & Co., \$9 55.

Appropriations to pay claims against boys' industrial school.

SECTION 2. This act shall take effect on its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
255G

[House Bill No. 1275.]

AN ACT

To amend section 4240 of the Revised Statutes of Ohio.

Fences: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4240 of the Revised Statutes be amended so as to read as follows:

Repair of partition fences.

Live fences.

Sec. 4240. The owners or lessees for one or more years of lands inclosed with fences, shall keep up and maintain in good repair all partition fences between their own and the next adjoining inclosures, in equal shares, so long as both parties continue to occupy or improve the same. But no willow fence, or any other live fence except that known as the Osage orange or blackthorn hedge, shall be permitted on such partition line except by mutual consent and agreement of the owners of the adjoining lands; and the refusal or neglect of either party to such partition fence to comply with this provision shall subject such defaulting party to the provisions and penalties named in sections 4242 and 4243 of the Revised Statutes.

Repeals.

SECTION 2. Said original section 4240 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 13, 1893.

256G

[House Bill No. 1434.]

AN ACT

To amend section 2267 of the Revised Statutes of Ohio.

Assessments: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2267, Revised Statutes of Ohio, be amended so as to read as follows:

Requirements for special assessments, etc.

Certain villages.

Sec. 2267. No public improvement, the cost or part of the cost of which is to be especially assessed on the owners of adjacent property, and no order appointing assessors of damages, or confirming their report, shall be made without the concurrence of the council, and it shall be essential that two-thirds of the whole number of members elected to the council concur, unless two-thirds of the owners to be charged, petition in writing therefor; and in villages not situated in a county containing a city of the first class, no special assessment shall be made except for sidewalks, and gutters and sewers provided a main sewer has been constructed, unless it first receive the assent, in writing, of a majority of the owners to be charged therewith.

SECTION 2. That said section 2267 is hereby repealed, Repeals, etc.
and this act shall take effect and be in force from and after
its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
258G

[House Bill No. 1453.]

AN ACT

To amend section 3697 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3697 of the Revised Statutes be amended so as to read as follows:

Sec. 3697. When thirty or more persons, residents of any county, or district embracing two counties, organize themselves into a society for the improvement of agriculture within such county or district, and adopt a constitution and by-laws, agreeably to the rules and regulations to be furnished by the state board of agriculture, and appoint the usual and proper officers, and the society pays to its treasurer, by voluntary subscription, or by fees imposed upon its members, any sum of money in each year not less than fifty dollars, and the president of the society certifies to the respective county auditors the amount thus paid, attested by the oath of the treasurer before a magistrate, the county auditors embraced within the district in which such society is organized, shall draw an order on the treasurer of the respective counties in favor of the president and treasurer of the society, for a sum equal to the amount thus raised, not exceeding one cent to each inhabitant of the county, upon the basis of the last previous national census, but not exceeding in any county the sum of four hundred dollars, and the treasurer of the county shall pay the same. Provided, that where in any county containing a city of the second grade of the first class, the site for holding county fairs is situated so far from the geographical center of said county that, in the opinion of the commissioners of said county, the agricultural interests of said county will best be promoted by the establishment of another and additional society and site whereon to hold fairs; upon the organization of such additional society in the manner provided herein, said additional society shall be entitled to receive aid out of the county treasury in any sum not to exceed the amount which said commissioners are now authorized to allow by this section and section 3702a.

Agricultural
corporations:

Organization
and aid of
county or dis-
trict agricul-
tural societies.

Additional so-
ciety and fair-
ground in Cuya-
hoga county.

SECTION 2. Said original section 3697 be and the Repeals.
ame is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
259G

[House Bill No. 1552.]

AN ACT

To amend section 1 of an act entitled "An act for clearing the channel of Big Beaver river, to secure outlet for the waste water of the Mercer county reservoir, and advance the interests of the public works," passed April 30, 1891 (O. L. 88, page 480).

Preamble.

WHEREAS, Under the above entitled act, the commissioners of Mercer county, according to law, let a contract for the construction of said ditch, in September, 1891; and the contractor entered upon the construction of said ditch; and, by reason of several causes, especially by reason of the severity of the winter just past, it is rendered impossible that said ditch be completed before the 30th day of April, 1893; therefore,

Public works:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act for clearing the channel of Big Beaver river, to secure outlet for the waste water of the Mercer county reservoir, and advance the interest of the public works," passed April 30, 1891 (O. L. 88, page 480), be amended to read as follows:

**Appropriation
for ditch in
channels of Big
Beaver and
Wabash rivers**

Sec. 1. That there be appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten thousand dollars, of which, however, there shall not be drawn nor used to exceed one-third of the total costs of such improvement, to aid in the construction of a ditch in the channel of Big Beaver river and in the channel of the Wabash river between the mouth of said Big Beaver and the Ohio and Indiana state line, commencing in said Big Beaver at the west bank of the Mercer county reservoir and terminating where said Wabash river crosses the Ohio and Indiana state line.

Repeals, etc.

SECTION 2. Said original section is hereby repealed, and this act shall take effect from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 13, 1893.
260G

[Senate Bill No. 115.]

AN ACT

To amend section 5547, Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5547 be amended so as to read as follows:

Proceedings
upon attach-
ment:

Sec. 5547. The garnishee shall appear and answer within the time, after the written notice is issued as provided in section five thousand five hundred and thirty, as is allowed the defendant or defendants to answer the petition upon which the attachment was granted; and he shall answer, under oath, all questions put to him touching the property of [every] description, and credits of the defendant, in his possession or under his control, and he shall disclose truly the amount owing by him to the defendant, whether due or not, and, in the case of a corporation, any stock held therein by or for the benefit of the defendant, at or after the service of notice.

Appearance and
answer of gar-
nishee.

SECTION 2. That said original section 5547 of the Revised Statutes is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 13, 1893.
262G

[House Bill No. 1284.]

AN ACT

To prohibit hunting and shooting or selling or giving away intoxicating liquors within one-half mile of any township park.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whoever hunts, shoots, or kills any game, or sells or gives away any intoxicating liquors within one-half mile of any township park, shall be fined not exceeding one hundred dollars, or imprisoned at hard labor, or otherwise, not exceeding sixty days, or both; provided, the board of township park commissioners may grant permission to kill, or cause to be killed, any game they do not desire within such limits.

Penalty for
hunting, shoot-
ing, or killing
game near town-
ship park, or
selling or giving
away intoxica-
ting liquors near
same.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 13, 1893.
264G

[House Bill No. 1327.]

AN ACT

To amend section 1 of an act entitled "An act to eradicate the disease known as black-knot on plum and cherry trees," passed March 2, 1892 (vol. 89, p. 56).

Destruction of trees or branches afflicted with black-knot, peach-yellows or peach-rosettes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the supervisor of any road district in this state, or the street commissioner of any city or incorporated village, when notified in writing by any person that any plum or cherry trees within his district are afflicted with the disease known as the "black-knot," or that any peach trees are affected with either of the diseases known as peach-yellows or peach-rosettes, shall cause the said trees to be cut down and burned, or, where practicable, the diseased branches of same to be so destroyed each year, so as to prevent the spread of said disease; and make return in writing to the board of county commissioners of his county, with his bill of expenses and charges therefor, which bill shall be paid from the county fund, the same having first been audited and allowed by the board at the rate of compensation allowed by law for road work; and the amount so paid shall be entered upon the duplicate against the land on which the said trees or diseased branches were so removed and destroyed, and collected the same as other taxes, and returned to the county fund; but the owner, lessee or agent of any land upon which such trees so diseased are situated, shall be first notified by some person interested, at least five days previous to the entering thereon by the supervisor.

Repeals, etc.

SECTION 2. Said act entitled "An act to eradicate the disease known as 'black-knot' on plum and cherry trees," passed March 2, 1892 (vol. 89, page 56), is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 13, 1893.

265G

[House Bill No. 1357.]

AN ACT

To amend sections 1, 2 and 3 of an act entitled "An act authorizing the burial of the body of any honorably discharged ex-union soldier, sailor or marine of this state, who shall hereafter die without leaving means sufficient to defray funeral expenses," passed April 11, 1884, vol. 81, p. 146, and amended March 31, 1891, vol. 88, p. 330.

* Military affairs: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That an act entitled "An act authorizing the burial of the body of any honorably discharged ex-union

soldier, sailor or marine of this state, who shall hereafter die without leaving means sufficient to defray funeral expenses," passed April 11, 1884, amended April 23, 1891, be amended to read as follows:

Sec. 1. That it shall be the duty of the county commissioners of each county in this state to appoint three suitable persons in each township and ward in their respective counties, other than those prescribed by law for the care of paupers and the custody of criminals, whose duty it shall be to look after and cause to be interred, in a decent and respectable manner, in any cemetery or burial-ground within this state, other than those used exclusively for the burial of the pauper dead, at an expense not to exceed thirty-five dollars, the body of any honorably discharged ex-union soldier, sailor or marine having at any time served in the army or navy of the United States, their mothers, wives or widows and army nurses, who shall hereafter die, not having means sufficient to defray the necessary funeral expenses; such persons so appointed shall hold their appointment so long as they serve to the satisfaction of the county commissioners, and whenever a vacancy occurs from any cause it shall be the duty of the commissioners to fill such vacancy by the appointment of other suitable persons.

Appointment of persons to have charge of burial of indigent soldiers, sailors and marines and their mothers, wives or widows and army nurses; provisions as to burial.

Sec. 2. It shall be the duty of the persons so appointed in the foregoing section before they assume the charge and expenses of such burial, that they first satisfy themselves by careful inquiry into and examination of all the circumstances in the case, that the family of such deceased soldier is unable, for want of means, to defray the expenses of such funeral or burial, or that in defraying such expenses the family will be deprived of means necessary for immediate support, whereupon, if they find such inability to exist, they shall cause to be buried such soldier, sailor or marine, their wives or widows, mothers or army nurses, as provided in section one of this act; and they shall, also, immediately report the same to the county commissioners of their county, setting forth the fact that they found the family of such deceased soldier in indigent circumstances, and unable to pay the expenses of burial, together with the name, rank and command to which he belonged as a soldier or sailor, the date of death, the place where buried, and his occupation while living; and also an accurately itemized statement of the expenses incurred by reason of said burial; the report to be duly attested by three reputable persons, residents of the township or ward in which the deceased soldier lived, knowing the facts of the indigency and inability of the family to defray said funeral expenses; provided, however, that in any county in this state where there is a home for indigent mothers, wives, widows of soldiers, and for army nurses, upon the death of any inmate of said home, the matron of the home shall, by certificate signed by the attending physician of said home, certify to the death of said in-

Duties of persons appointed to have charge of burial.

Duty of matron of home for indigent mothers, wives and widows of soldiers and army nurses.

mate to the commissioners of the county from which the mother, wife, widow or army nurse was admitted to said home, and said commissioners shall proceed as provided in section 3 of this act.

Duties of county
commissioners;
payment of ex-
penses of burial.

Sec. 3. It shall be the duty of the county commissioners, upon securing the report and statement of expenses provided for in section 2 of this act, to transcribe in a book to be kept for that purpose all the facts contained in said report respecting said deceased soldier, and shall certify the expenses thus reported to the county auditor, who shall draw his warrant for the same payable to the person or persons designated by the county commissioners, upon the county treasurer, to be paid out of the county fund of said county. It shall also be the duty of the county commissioners, upon the death and burial of any such soldier, sailor or marine, their mothers, wives or widows, or any army nurse residing within their county at the time of his or her death, to make application to the proper authorities under the general government for a suitable headstone, as provided by act of congress, and cause the same to be placed at the head of such deceased soldier's grave.

Repeals.

SECTION 2. That sections 1, 2 and 3, as amended April 23, 1891, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 13, 1893.
266G

[House Bill No. 1579.]

AN ACT

To supplement section 2100, and to amend section 2104 of the Revised Statutes, and to amend section 66 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 19, 1891.

Workhouses:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2100 of the Revised Statutes of Ohio be supplemented by additional sections with sectional numberings as follows:

Cumulative sen-
tences.

Sec. 2100c. And it is provided, further, that where any person is convicted of an offense under the law of the state or an ordinance of a municipal corporation, and the tribunal before which the conviction is had is authorized by law to commit the offender to the county jail, the workhouse or the corporation prison, and a previous conviction for any such offense, whether committed heretofore or hereafter, and whether committed in this state or elsewhere within the

limits of the United States of America, shall be proved against such person, the sentence for the last offense shall not be for less than double the penalty imposed for such previous offense. And where two previous convictions for such offenses are proven against the offender, the sentence shall not be less than for double the penalty imposed for the last of such previous offenses. Provided that nothing in this section shall be construed as authorizing any court or magistrate to impose a greater than the maximum penalty now provided by law for such offenses, except as hereinafter provided. Every person who, after having been three times convicted and sentenced for offenses under the law of the state or an ordinance of a municipal corporation, whether committed heretofore or hereafter, and whether committed in this state or elsewhere within the limits of the United States of America, shall be convicted of an offense under the law of the state or an ordinance of a municipal corporation, hereafter committed, and the tribunal before which such conviction is had is authorized by law to commit the offender to the county jail, the workhouse or the corporation prison, every such person so convicted shall be deemed and taken to be an habitual offender, and shall be imprisoned in the workhouse in a city of the second grade of the first class for and during the full term of two years, unless pardoned by the governor of the state; and it shall be competent for any court or magistrate before whom such conviction is had, to sentence such person to said workhouse for the period of three years, and in all such cases the court may further order that such person shall stand committed to such workhouse until the costs of prosecution are paid, or he be discharged as hereinafter provided. And the fact of such repeated misdemeanors shall be charged in the information or complaint made against such offender, and, if proved, shall be stated in the commitment to the workhouse. Provided, that nothing in this section shall be construed as conferring power upon any court, magistrate or mayor to sentence any offender to said workhouse from any county or municipality outside the municipality where such workhouse is situate, except upon such terms and under such conditions as are now or may hereafter be provided by law. And provided, further, that if any person, convicted under the provisions of this section, shall show to the satisfaction of the court before which such conviction was had, that a pardon was granted for either of said offenses on the ground of innocence, such conviction and sentence shall not be considered as such under this act.

Sentence of habitual offenders to workhouse in Cleveland.

Sec. 2100d. The director of charities and correction in cities of the second grade of the first class, may, with the approval of the mayor of the city in which such workhouse is situate, upon the conditions hereinafter provided, permit such persons so sentenced to go at large upon parole outside the buildings and inclosures of said workhouse, but to remain while on parole in the legal custody and under the control of the said director and of the superintendent of such workhouse, and subject at any time to be taken back within

Parole of such offenders.

the buildings and inclosures of said workhouse; and full power to retake and reimprison any prisoner so upon parole is hereby conferred upon said director and said superintendent, or either of them, and the written order of either, approved by the mayor of said city, shall be sufficient warrant for any officer or officers named therein, to authorize such officer or officers to return to actual custody any paroled prisoner; and it is hereby made the duty of all officers, whether state, county or municipal, throughout the state of Ohio, to execute said order the same as ordinary criminal process.

Classification
and gradation of
prisoners.

Promotion or
degradation of
prisoners; pris-
oners' register.

System of
marks.

Sec. 2100e. Prisoners in said workhouse shall be classified and graded as follows: In the first grade shall be included those who, in the judgment of the said director, are the least vicious, and who are likely to observe the laws and to maintain themselves by honest industry after their release; in the second grade shall be included those who, in the judgment of the said director, are more vicious but so competent to work and so reasonably obedient to prison discipline as not to seriously interfere with the productiveness of their labor, or of the labor of those in whose company they may be employed; in the third grade shall be included those who, in the judgment of the said director, are incorrigible, or so insubordinate as to seriously interfere with the discipline or the productiveness of their labor. Provisions shall be made for the promotion or degradation of prisoners from one grade to another according to merit, and in order that good behavior may be properly rewarded, a correct record of the conduct of each prisoner, and his fidelity and diligence in the performance of his work and advancement in his studies shall be kept, and the same shall be entered in a register, together with the date of admission, the name, age, nativity and nationality, with such other facts as can be ascertained of parentage and of early social influences as seem to indicate the constitutional and acquired defects and tendencies of all prisoners confined under the provisions of this act, and based upon these shall be given an estimate of their present conditions, and the best probable plan of treatment. Upon such register shall be entered from time to time, minutes of observed improvement or deterioration of character, and notes as to method and treatment employed, also all circumstances affecting the standing or situation of such prisoner, and any subsequent facts of personal history which may have been ascertained bearing upon the question of his being suffered to go out upon parole. The said director shall, under a system of marks or otherwise, fix upon a uniform plan by which shall be determined what number of marks or what credit shall be earned by each prisoner as the condition of increased privileges or of release upon parole, which system shall be subject to revision from time to time. Each prisoner shall be credited for good personal demeanor, diligence in labor and study, and for results accomplished, and be charged for dereliction, negligence and offenses, and the standing of each prisoner's account shall

be made known to said director at least once a month on a certain regular day to be designated by him, and oftener if he shall at any time request it. The said director shall make all necessary provisions for the paroling of prisoners confined under the provisions of section 2100c of this act, subject to the approval of the mayor of said city, and for their arrest and return to custody within the institution; but in no case shall any prisoner be paroled, unless in the judgment of said director there is reasonable ground to believe that he will, if allowed to go outside the buildings and inclosures of said institution, be obedient to the law, and live an honest and sober life, and that his release is not incompatible with the welfare of society; nor shall any petition or other form of application for the release of any such prisoner be entertained; nor shall any prisoner be paroled who is not in the first or highest grade or class; but the said director, after examining the register and considering the conduct of a prisoner in the first grade or class confined under the provisions of section 2100c of this act and hearing the recommendation of the superintendent of said workhouse, may, if it appears to him that there is a reasonable probability that such prisoner is resolved to live without violating the law, and has the power to keep his resolution, that he has good prospect of being able to support himself by honest industry, and that his release is not incompatible with the welfare of society, permit such prisoner to go upon parole outside the buildings and inclosures of said workhouse upon such conditions and subject to such regulations and restrictions as may be prescribed by him with the approval of the mayor of the city. Provided, however, that no parole shall be granted or refused except upon the regular day appointed for the examination of prisoners' accounts as provided in this section. It shall also be the duty of said director to make the provisions for supplying, when necessary, to each prisoner paroled or discharged under the provisions of this act, one suit of clean underclothing, one hat or cap, one pair of shoes and one suit of clothing. Provided, that such prisoner shall have been confined in said workhouse at least nine months, and all expenses for clothing incurred under the provisions of this section for prisoners from counties and municipalities outside the municipality in which such workhouse is situate, shall be paid by said counties and municipalities, in addition to the amount paid by them for the maintenance of such prisoners. And it is further provided, that whenever, by reason of extreme old age, sickness or other infirmity, any prisoner is deemed an unfit subject for prison discipline, the said director shall, with the consent of the mayor, have power to transfer such prisoner to the infirmary, hospital or asylum.

Parole of habitual offenders.

Wearing-apparel for paroled or discharged prisoners.

Transfer of prisoner to infirmary, hospital or asylum.

SECTION 2. That section 66 of an act entitled "An act to provide a more efficient government for cities of the second grade of the first class," passed March 16, 1891, be amended so as to read as follows:

Director of charities and correction (Cleveland):

Duties and
powers.

Sec. 66. The director of charities and correction shall have the charge and administration of the workhouse, house of refuge and correction, cemeteries and infirmary, and all charitable or penal institutions established by such city. He shall, subject to the approval of the mayor of such city, make such rules and regulations as are necessary and proper for the employment, discipline, instruction, education, reformation and for the conditional release and return of all the prisoners confined under the provisions of law, and shall, from time to time, with the approval of the mayor, make such alterations, amendments and additions to the rules and regulations for the government of prisoners in the workhouse as shall seem to him to best promote their reformation. He may, with the approval of the mayor, and under such regulations as may be provided by law or ordinance, discharge any person committed to the workhouse, except such as are committed under the provisions of section 2100c of this act, and any infant committed to the house of refuge and correction; but a record thereof shall be kept by him and reported by the mayor to the council in his annual report, with a brief statement of the reasons therefor.

Workhouses :

SECTION 3. That section 2104 of the Revised Statutes, as amended March 11, 1884, be amended so as to read as follows:

Expenses of
maintenance
over receipts.

Sec. 2104. The expenses of maintaining and administering the affairs of workhouses over the receipts for the labor of persons confined therein, and from other sources, shall be audited and paid from time to time, by the council of the corporation; and a tax for such expenses shall be levied and collected as part of the ordinary expenses of the corporation, provided, that in any county containing a city of the second grade of the first class, where a workhouse is established and maintained by such city, the expense of maintaining persons sentenced to such workhouse by any court or magistrate in such county for offenses against the law of the state, over the receipts for the labor of such persons, shall be paid out of the county treasury upon the allowance of the county commissioners, and the commissioners and the director of charities and correction of such city shall agree upon the per diem sum to be paid by the county for such maintenance, and which shall not be less than the actual cost thereof as ascertained by the said director, and the amount fixed shall be paid to the director of such workhouse. The per diem amount to be paid shall be fixed yearly, but the per diem previously fixed shall continue until the new determination; settlements and payments shall be made quarterly. And provided, further, that section two thousand and ninety-nine, in so far as it authorizes and requires trustees of townships to transmit, with the commitment or mittimus, a sum of money equal to forty cents per day for the time of commitment, shall have no application in any county containing a city of the second grade

Expense of
maintaining per-
sons sentenced
to Cleveland
workhouse for
offenses against
state laws over
receipts for
labor.

of the first class. And it is ever a fine, and costs are imposed in any police court in any city of the first class, for a violation of any ordinance, or which may hereafter be enacted, or which may be committed until the fine and costs are discharged in due course of law, or pay such fine and costs, or the director of charities as being confined in said workhouse, said director to discharge the credit of the workhouse by him shall be paid into the police court fund. A person committed to the workhouse in any such city or with the intent to stand committed until the duty of the director of charities inmates the full value of the property at a rate not less than two-thirds of as much more than the value thereof shall, in his judgment, of his or her fine and costs, or otherwise be paid or discharged according to the provisions that all money derived from the inmates committed to the workhouse under the ordinance, who make payment thereof, shall be for the use of the workhouse fund.

SECTION 4. To amend an act to provide a model for the second grade of the city of Chicago, section 2104 of the city charter, as amended March 11, 1884, be it enacted by the people of the State of Illinois:

SECTION 5. That the act so amended shall be from and after its passage.

Signed

Passed April 13,
1884

[House Bill No. 1768.]

AN ACT

To change the surnames of certain persons named therein.

Changing sur-
names of certain
pers ns.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the respective surnames of Joseph Sentemore, Angeline Wells Sentemore, his wife; Henry Sentemore, William A. Sentemore, Joseph C. Sentemore, jr., Austin F. Sentemore, Segur A. Sentemore, Justin G. Sentemore, Hattie A. Sentemore, David W. Sentemore, Alice E. Sentemore, Daniel Sentemore and John Sentemore, children of the said Joseph Sentemore, all of whom are residents of Tallmadge, Summit county, Ohio, be and the same are hereby changed so as to read as follows, respectively, to wit: Joseph Seymour, Angeline Wells Seymour, Henry Seymour, William A. Seymour, Joseph C. Seymour, Austin F. Seymour, Segur A. Seymour, Justin G. Seymour, Hattie A. Seymour, David W. Seymour, Alice E. Seymour, Daniel Seymour and John Seymour.

Effect of change.

SECTION 2. That such changes of surnames shall in no wise affect the rights, privileges and liabilities of either of said persons, individually and generally.

SECTION 3. This act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 13, 1893.

268G

[Senate Bill No. 326.]

AN ACT

To require railroad corporations to equip and furnish all cars used in their service with air-brakes and automatic couplers, and their engines with power-brakes.

Equipment and
operation of rail-
road cars with
automatic coup-
lers and air-
brakes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That every railroad corporation operating a railroad or part of a railroad in this state, shall, on or before the first day of January, A. D. 1898, equip and furnish all cars used in its service in this state with automatic couplers, coupling automatically, and which can be uncoupled without the necessity of men going between the ends of the cars; and shall equip, furnish and operate all cars in its passenger service, and not less than thirty per cent. of the cars in its freight service with air-brakes; and no freight-train shall, after such date, be run by any such railroad corporation over any part of its road lying within this state unless at least twenty-five per cent. of the cars composing such freight-train are so equipped, furnished and operated with perfectly acting air-brakes and so as to

enable the engineer to control the speed of the train without the use of hand-brakes.

SECTION 2. Every railroad corporation operating a railroad or part of a railroad in this state, shall, after the first day of July, A. D. 1893, equip and furnish all of its cars constructed after such date with automatic couplers and air-brakes, and all cars taken to its shops for general repairs after such date shall be equipped and furnished with automatic couplers and air-brakes. Provided that nothing herein shall require railroad companies to equip more than thirty per cent. of the cars in its freight service with air-brakes, unless a larger per cent. is necessary to provide at least twenty-five per cent. of all the cars in each freight train with such air-brakes and as aforesaid.

Equipment of cars constructed or repaired after July 1, 1893.

SECTION 3. Every railroad corporation operating a railroad or part of a railroad in this state, shall, after the first day of July, A. D. 1894, equip and furnish each of its engines used in the transportation of trains in this state with a power-brake.

Equipment of engines with power-brakes.

SECTION 4. And it shall be the duty of any railroad corporation operating a railroad or part of a railroad in this state, to report to the commissioner of railroads at the earliest practical date after the passage of this act, the number and class of cars in their service equipped with such automatic couplers and air-brakes, and the number of cars not so equipped.

Report as to equipment of cars.

SECTION 5. Any railroad corporation which shall fail to comply with any of the provisions of this act, shall forfeit and pay to the state of Ohio not less than one thousand dollars nor more than five thousand dollars, to be recovered in an action to be brought by the attorney-general in the name of the state of Ohio, and which shall be prosecuted in accordance with the provisions of section 210 of the Revised Statutes.

Penalty for non compliance.

SECTION 6. This act shall take effect and be in force from and after the first day of July, A. D. 1893.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 14, 1893.

269G

[House Bill No. 712.]

AN ACT

To define the rights of fathers and mothers living separate and apart from each other, or when divorced, as to the care, custody and control of their children.

Rights of separated or divorced father and mother as to care, custody and control of offsprings of their marriage.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when husband and wife are living separate and apart from each other, or are divorced and the question as to the care, custody and control of the offspring of their marriage is brought before any court of competent jurisdiction in this state, that the father and mother of said children shall stand upon an equality before the courts as to the care, custody and control of said offspring, so far as it relates to their being either father or mother of said children. That the court, upon hearing the testimony of either or both of said parents, corroborated by other proof, shall decide which one of them shall have the care, custody and control of such offspring, taking into account that which would be for the best interests of said children; provided, such children be ten years of age or more, they be allowed to choose which parent they prefer to live with, unless such parent so selected by said children be unfitted to take charge of said children by reason of moral depravity, habitual drunkenness or incapacity, then said court shall determine the custodian of such children. If upon such hearing it should be proven to the court that both parents are improper persons to have the care, custody and control of such children, the court may, in its discretion, either designate some reputable and discreet person to take charge of said children, or may commit them to a county or district children's home in which they or their parents have a legal settlement. The court may order either or both parents to support or help support said children, no matter who be their custodian. That said court shall have full power and authority to make any order or decree that is just and reasonable, permitting the parent who is deprived of such care, custody and control of said children to visit said children and to have temporary custody of them. An appeal to a higher court may be had upon appellant giving bond with one good surety to the adverse party, approved by the court from whose decree appealed, to be in sum determined by the court, but in no case to be less than accrued costs and a fair estimate of accruing costs. The court before whom such case is heard shall have full power to decree costs of such proceeding against either party, or to divide them in any proportion.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 14, 1893.

[House Bill No. 968.]

AN ACT

To amend section 2500a of the Revised Statutes, as amended March 15, 1892, and to amend section 6980a of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2500a of the Revised Statutes of Ohio, as amended March 15, 1892 (O. L., vol. 89, p. 90), and section 6980a of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 2500a. In addition to the powers specifically granted in said section 2500, and in sections 2492 to 2499, inclusive, and in section 1692, and the acts amendatory of and supplementary thereto, of the Revised Statutes of Ohio, cities of the first and second grades of the first class and cities of the third grade *a* of the second class shall have the following general powers, and the board of legislation or council may provide by ordinance for the exercise and enforcement of the same: To provide against and prevent the obstruction, use or occupancy of any street or other public highway with any locomotive, car, cars or train, by any railroad company, companies, superintendent, agent or other employe thereof, either directly or indirectly, permitting or suffering such locomotive, car, cars or train to remain upon the crossing by any railroad of such street or other public highway, or any part thereof, or by coupling, switching or shifting of locomotives, cars or trains, or the making up of such trains upon such crossing of such street or other public highway, or any part thereof, or by the moving or stopping of trains upon such crossing of or across the same for a period longer than four minutes at one time; to prevent such obstruction, use or occupancy of any such street or other public highway by any railroad company, companies, superintendent, agent or other employe thereof, either directly or indirectly, for a period of five minutes after the same has been once so obstructed, used or occupied for said period of four minutes, so as to give and guarantee to the public the exclusive use of such street or other public highway for five minutes thereafter; and in cities of the first and second grades of the first class to require any railroad company or companies so using such street or other public highway for said period of four minutes, to provide and maintain suitable bars or gates and watchmen at such street or other crossing to secure and warn the public against the dangers attending such use. It is further provided, that the board of legislation or council of such cities, to carry into force and effect the provisions of any ordinance or ordinances under this section, shall have power to prescribe penalties for any violation thereof, by fine not to exceed fifty dollars for each offense, or by imprisonment not to exceed thirty days, or both fine and imprisonment for each and every repeated violation thereof after the first offense. It is provided further, that nothing herein shall be so construed as

Railways in corporate limits:

Additional powers of Cincinnati, Cleveland and Springfield:

Obstruction, use or occupancy of streets or highways by railroad companies.

Bars or gates and watchmen at crossings in Cincinnati and Cleveland.

Penalties.

Arrival and departure of regular trains.

to affect or interfere with the arrival and departure of regular railroad trains moving across such street or public highway, without stopping, at a rate of speed not exceeding six miles per hour.

Unlawful obstruction, use or occupancy of streets or highways by railroad companies in Cincinnati, Cleveland and Springfield.

Bars or gates and watchmen at crossings in Cincinnati and Cleveland.

Penalty.

First right to use or occupancy.

Arrival and departure of regular trains.

Occupancy by regular passenger-train.

Repeals.

Sec. 6980a. It shall not be lawful in cities of the first and second grades of the first class and cities of the third grade *a* of the second class for any railroad company, superintendent, agent or other employe thereof, either directly or indirectly, to obstruct, use or occupy any street or other public highway with any locomotive, car, cars or train, by permitting or suffering such locomotive, car, cars or train to remain upon the crossing by any railroad of such street or other public highway, or any part thereof, or by coupling, switching or shifting of locomotives, cars or trains, or the making up of trains across such street or other public highway, or any part thereof, or by moving or stopping long freight-trains across the same, for a period longer than four minutes at one time; and whenever any such street or other public highway has been thus obstructed, used or occupied, it shall not be lawful for any railroad company, superintendent, agent or other employe thereof, either directly or indirectly to so obstruct, use or occupy the same, or any part thereof, for a period of five minutes thereafter; and in cities of the first and second grades of the first class any railroad company or companies so using such street or other public highway, during said period of four minutes, shall provide and maintain suitable bars or gates, and watchmen at such street or other crossings, to secure and warn the public against the dangers attending such use; and if any railroad company, superintendent, agent or other employe thereof shall, either directly or indirectly, obstruct, use or occupy such street or other public highway in violation of the aforesaid provisions and prohibitions of this section, or shall procure, direct, aid or abet in any such violation, he or they shall be fined not more than one hundred nor less than twenty dollars, or imprisoned not more than thirty days, or both. It is further provided, that after the expiration of said period of five minutes, any railroad company other than the one last using such street or public highway, shall have the first right to use or occupy the same for a period not to exceed four minutes; and provided further, that nothing herein shall be so construed as to affect or interfere with the arrival and departure of regular railroad trains moving across such street or other public highway at a rate of speed not to exceed six miles per hour; or to any regular passenger-train occupying any such street or highway for a period less than ten minutes, for the purpose of discharging or taking on passengers and baggage at any of its regular passenger stations.

SECTION 2. That said section 2500a, as amended March 15, 1892, and said original section 6980a, be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
 ANDREW L. HARRIS,
President of the Senate,

Passed April 14, 1893.
 271G

[Senate Bill No. 336.]

AN ACT

To authorize the election of one additional common pleas judge for the single term of five years in the second subdivision of the fifth judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be elected in the second subdivision of the fifth judicial district of Ohio, composed of the counties of Fayette, Highland and Ross, by the electors thereof, under and in pursuance of the general election laws of the state of Ohio governing the election of judges of the court of common pleas, at the regular November election held in 1893, one judge of the court of common pleas in addition to the two judges heretofore provided for by law for said subdivision of said fifth judicial district. Said additional judge shall be elected for the term of five years; his term of office shall begin on the first Monday of February, A. D. 1894, and he shall have all the powers and be subject to all the obligations, and shall perform all the duties pertaining to the said office of judge of said court of common pleas; he shall receive the same compensation as other common pleas judges of said subdivision; and vacancies, if any occurring in his office, shall be filled as provided by law in such cases.

Additional
 judge in second
 subdivision of
 fifth district.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
 ANDREW L. HARRIS,
President of the Senate.

Passed April 17, 1893.
 273G

[House Bill No. 680.]

AN ACT

Defining who shall make improvements upon or within buildings when ordered by the state inspector of workshops and factories, and when such improvements are of a fixed and permanent character.

Shops and factories:

"Shops and factories" defined.

Who to make permanent improvements ordered by state inspector.

Repeals, etc

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplementary section 2573d of the Revised Statutes, as amended March 17, 1892, shall be amended so as to read as follows:

Sec. 2573d. The term "shops and factories," as used in section 2573b and 2573c of the Revised Statutes, shall be held to include the following: Manufacturing, mechanical, electrical, mercantile, art and laundrying establishments, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and apartment houses; and in case it is found on inspection under section 2573c that the means of egress in case of fire or other disaster is not sufficient in any shop or factory, as defined herein, or when found necessary for cutting through walls or floors for additional exit, or providing additional stairways as exit on the inside or outside of such shops and factories, or where it is necessary for changes or additions for ventilation, sewerage or water-closets, or plumbing in connection with closets, or for additional means of lighting by windows or by skylights, or for providing efficient safety-gates at elevator openings, or guarding hatchways, for any hoisting apparatus in floors or outside of any such shops and factories, or for the repair of elevators or gearing, or for the repair of walls, roofs, ceilings, stairways or doors, or any other improvements necessary for the health or safety of employes or persons occupying such shops and factories, such changes or additions being of a permanent and fixed character, and which, after provided, become a permanent fixture and the property of the owner or owners of the building or buildings of such shops and factories, the owner or agent for the owner of such building shall be required by the state inspector, upon the notice and under the penalties of the said section 2573c, to provide the necessary fire-escapes or other changes and additions as are mentioned in this section.

SECTION 2. Section 2573d of the Revised Statutes of Ohio, as amended March 17, 1892, be and the same is hereby repealed; and this act shall take effect on and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
274G

[Senate Bill No. 481.]

AN ACT

To repeal sections 499, 499a and 503 of the Revised Statutes of Ohio and to amend and supplement section 6709 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6709 of the Revised Statutes be amended and supplemented with sectional numbering as follows:

Jurisdiction in error:

Sec. 6709. A judgment rendered or final order made by the court of common pleas or the superior court of Cincinnati may be reversed, vacated or modified by the circuit court, having jurisdiction in the county wherein said superior court is located, for errors appearing on the records; all errors assigned in the petition in error shall be passed upon by the court, and in every case where a judgment or order is reversed and remanded for a new trial or hearing, the circuit court shall, in its mandate to the court below, state the error or errors found in the record upon which the judgment of reversal is founded.

Jurisdiction in error of the circuit court; errors to be passed upon; contents of mandate.

Sec. 6709a. All laws providing for appeals from the court of common pleas to the circuit court, shall apply in like cases to the superior court of Cincinnati, and all laws regulating the practice, forms of process and procedure in error or appeal from the court of common pleas to the circuit court, shall be held to extend and apply to the superior court of Cincinnati, as fully as they extend to the court of common pleas.

Laws applicable to superior court of Cincinnati.

SECTION 2. That sections 499, 499a, 503 and section 6709 of the Revised Statutes, as amended February 7, 1885, be and the same are hereby repealed.

Repeals.

SECTION 3. All cases pending in the general term of said superior court of Cincinnati, and all unfinished business therein, at the time of the taking effect of this act, shall be and the same is hereby transferred to the circuit court having jurisdiction in the county in which said superior court is located.

Cases and business transferred from superior court of Cincinnati to circuit court.

SECTION 4. This act shall take effect and be in force from and after the first day of November, A. D. 1893.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 18, 1893.
275G

[House Bill No. 795.]

AN ACT

For the more speedy administration of justice in the courts of Ohio.

Time within
which cause to
be determined
and adjudicated
by court of
record.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any cause now pending, or that may hereafter be begun, in any court of record in this state, when submitted on motion or demurrer, shall be determined and adjudicated thereon by such court within thirty days after such submission. And any such cause, when submitted to the court on proceedings in error, or on final trial on the issues joined, shall be determined and adjudicated within ninety days after such submission.

Cause sent to
referee or special
master and motions affecting
report.

SECTION 2. This act shall apply to all causes sent to a referee or special master, and to all motions affecting the confirmation, modification or vacation of any report of such referee or master.

Rules of
supreme court.

SECTION 3. This act shall in no way affect, alter or change the rules of the supreme court, as the same may be now, or hereafter fixed by said court.

SECTION 4. This act shall take effect and be in force from and after August 1st, 1893.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 18, 1893.

277G

[House Bill No. 1075.]

AN ACT

To supplement sections 930 and 930a, of the Revised Statutes of Ohio, as supplemented by an act passed April 23, 1891.

Children's
homes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 930 and 930a of the Revised Statutes be supplemented by a supplementary section as follows:

Employment of
school teacher.

Sec. 930b. That the trustees shall have power to employ a teacher to teach the school in any such home, as provided by law when in the judgment of the trustees, the same is advisable; and the clerk of the board of trustees is hereby authorized, and it shall be his duty to take and return to the county auditor, the names and ages of all youth of school age, in such home, during the two weeks ending on the fourth Saturday in July. The state common school fund and not otherwise appropriated by law, shall be apportioned in proportion to the enumeration of youth, to such home and other districts, subdistricts and joint subdistricts within the county; and the amount of money due such home under such apportionment shall be set apart by

Enumeration of
school youth.

Apportionment
of state common
school fund.

Application of
amount due
home.

the auditor of the county, and the same shall become a part of the children's home fund, and the same used to maintain a common school in such home, and the same shall be paid out on a certificate, of the trustees stating the amount in the certificate, and the purposes of the same, and the county auditor shall thereupon issue his warrant on the treasurer for the amount so certified. Provided, that the provisions of this section shall not apply to children's homes in counties containing cities of the second class of the second grade and cities of the second class of the third grade.

Homes
excepted.

SECTION 2. All acts and parts of acts not consistent with the provisions of this act are hereby repealed.

Repeals.

SECTION 8. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1898.
278G

[House Bill No. 1091.]

AN ACT

To amend section 2107b of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2107b be amended so as to read as follows:

Workhouses for
joint use of
counties:

Sec. 2107b. The construction, management and control of any workhouse established under section 2107a (2) of this chapter, and the maintenance and care of the convicts therein, shall be vested in a board of directors, who shall be called the board of workhouse directors, and shall be composed of two persons from each county, who are electors of the county from which they are appointed, and are freeholders therein, to be appointed by the board of county commissioners of each county composing said district, who shall belong to different political parties, one of whom shall hold his office for the term of six years, and one for the term of three years. The board of workhouse directors shall, at the first meeting, and annually thereafter, at the first meeting in May, elect a president, and at the same meeting appoint a secretary, who shall make a complete record of all the proceedings, and such other officers as may be necessary, and fix their compensation for their services. The board of directors shall not be entitled to any compensation for their services, but shall have all legitimate expenses paid connected with their duties.

Board of work-
house directors.

Repeals, etc.

SECTION 2. That said section 2107*b* is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
279G

[House Bill No. 1177.]

AN ACT

To amend section 1 of an act entitled "An act to provide for the observance of the first Monday in September of each and every year as a holiday," passed April 28th, 1890 (vol. 87, O. L., page 355).

Legal holidays: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act of the general assembly passed April 28, 1890, entitled "An act to provide for the observance of the first Monday in September of each and every year as a holiday," be amended so as to read as follows:

Labor day. Sec. 1. The first Monday in September of each and every year shall be known as labor day, and for all purposes whatever considered as the first day of the week.

Repeals. SECTION 2. That said original section 1 of said act passed April 28, 1890, is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
280G

[House Bill No. 1211.]

AN ACT

To amend section 6292 of the Revised Statutes of Ohio.

Guardians: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6292 of the Revised Statutes be amended so as to read as follows:

Marriage no disqualification for female guardian. Sec. 6292. The marriage of a woman shall not disqualify her to act as guardian, whether such marriage occur before or after her appointment and qualification, and all her acts in such capacity shall have the same validity as though she were unmarried.

SECTION 2. That said original section 6292 is hereby *Repeals, etc.* repealed; and this act shall take effect on its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.

281G

[House Bill No. 1261.]

AN ACT

To appropriate money out of the state treasury to refund to Samuel Neal, assignee of L. H. Wise, and to James H. Webster, the purchase money for certain land heretofore purchased from the state of Ohio. The purchase was void by reason of the prior sale thereof by the state of Ohio.

WHEREAS, On the third day of January, 1853, one *Preamble.* Charles Elliott made an entry and purchased at the land commissioner's office at Defiance, Ohio, making reductions to active settlers the following described real estate situate in Paulding county, state of Ohio, to wit: The northeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$), and also the southeast quarter ($\frac{1}{4}$) of the northeast quarter and also south half of the southeast quarter ($\frac{1}{4}$) of section 20, in township two (2) north, of range three (3) east, and a deed in pursuance thereof was made by the state of Ohio to Charles Elliott; and

WHEREAS, It is claimed there was not a sufficient record of said conveyance, and said lands were afterwards appraised by agents of the state of Ohio, and on the 21st day of December, 1871, the state of Ohio conveyed said real estate by deed to James Webster and Lawrence H. Wise, for the sum of \$320.00 which was paid to the state, all of which was done under the provisions of the fifth section of the act of April 5, 1866; and afterwards, in cause number 7020, pending in the court of common pleas of Van Wert county, Ohio, wherein James Webster was plaintiff, and said Lawrence H. Wise was defendant, the south half of the southeast quarter of section twenty of said above described real estate was, on the 13th day of February, 1883, in partition set off in severalty to said James H. Webster; and the remainder of said premises was set off to Lawrence H. Wise;

WHEREAS, Afterwards, on the third day of September, 1877, said Lawrence H. Wise became insolvent, and conveyed all his property in trust to Samuel Neal for the benefit of the creditors of said Lawrence H. Wise; and said Samuel Neal was then appointed by the probate court of Van Wert county, Ohio, and duly qualified as assignee of said Lawrence H. Wise; and

WHEREAS, Afterwards, on the 18th day of February, 1885, Zadoc Clear began an action in the court of common pleas of Paulding county, Ohio, against said James Webster and Lawrence H. Wise, cause number 2998, in ejectment, to recover said lands, said Clear claiming under conveyance from said Charles Elliott, the nature of the action being to recover the above described lands as well as other lands, and said cause was determined in said court of common pleas of Paulding county, Ohio, and afterwards in the circuit court, and afterwards by the supreme court of Ohio, on the 10th day of May, 1892, in cause number 1904, styled James Webster and Lawrence H. Wise against Zadoc Clear, wherein it was adjudged that the title of said Webster and Wise was void, and that the title of said Zadoc Clear was the better title, and said James H. Webster and Lawrence H. Wise therefore received nothing by their purchase from the state of Ohio; therefore,

Appropriations
for Samuel Neal,
assignee, and
James H. Web-
ster.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any money in the treasury to the credit of the general revenue fund and not otherwise appropriated, the sum of \$362.40, to pay to Samuel Neal, assignee of Lawrence H. Wise, and \$362.40 to pay to James H. Webster, being the purchase price of said land with interest from the date of payment, December 21, 1871, to the present time.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
282G

[House Bill No. 1400.]

AN ACT

To amend section 6585 of the Revised Statutes of Ohio.

Appeals:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6585 of the Revised Statutes be amended so as to read as follows:

Making and
delivery of tran-
script and other
papers.

Sec. 6585. And the said justice shall make out a certified transcript of his proceedings, including the undertaking taken for such appeal, and shall, on demand, after being paid the legal fee therefor, deliver the same to the appellant, or his agent, who shall deliver the same to the clerk of the court to which such appeal may be taken, on or before the thirtieth day from the rendition of the judgment appealed from, and such justice must deliver or transmit the bill or bills of particulars, the deposition, and all other original papers, if any, used on the trial before him, to such clerk, on

or before the said thirtieth day from said judgment; and all further proceedings before the justice of the peace in that case shall cease and be stayed from the time of entering into such undertaking.

SECTION 2. That said original section 6585 be and the same is hereby repealed; and that this act shall take effect and be in full force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
285G

[House Bill No. 1625.]

AN ACT

To supplement section 2417 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2417 of the Revised Statutes be and the same is hereby supplemented with sectional numbering as follows: Water-works:

Sec. 2417a. In cities of the first grade of the first class no charge shall be made by the trustees or board of administration having charge of the water-works, for supplying water for extinguishing fires; but for all other purposes, such as cleaning fire apparatus or the cleaning of market-houses, or for the use of any public buildings belonging to the corporation, or for the purposes of public school-buildings, the said trustees or board of administration shall have the power to charge a rate not to exceed the rate charged to private consumers, and which shall be paid by each of the departments having charge and control of such buildings or public places, from the funds set apart for the purpose of such department, or in the case of school-buildings, by the board of education of the school district in which such cities may be located; and said board of administration or trustees shall furnish water for the use of hospitals, asylums or other charitable institutions devoted to the relief of the poor or aged, infirm or destitute persons, or orphan children, at the same rates charged to private consumers; but said board shall have the power and authority to rebate or discount the bills of such institutions for water so used by them, to the extent of 75 per cent. of the amount of such bills. Charges for water used by public departments and charitable institutions in Cincinnati.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
288G

[House Bill No. 1626.]

AN ACT

To amend sections 2411 and 2432 of the Revised Statutes of Ohio.

Water-works: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2411 and 2432 of the Revised Statutes of Ohio be and the same are hereby amended so as to read as follows:

Assessment and collection of water rents.

Sec. 2411. For the purpose of paying the expenses of conducting and managing the water-works, the trustees or board shall have the power to assess and collect, from time to time, a water rent of sufficient amount, in such manner as they may deem most equitable, upon all tenements and premises supplied with water; and where more than one tenant or water taker is supplied with water from one hydrant, off the same pipe, and when the assessments therefor shall not be paid when due, the board shall look directly to the owner of the property for the entire rent, or so much thereof as remains unpaid for water furnished said premises, to be collected in the same manner as other city taxes, except that in cities of the first grade of the first class, the board of administration may provide for assessing the cost and expenses of laying or extending water-mains upon the lots or lands bounding or abutting upon the streets, lanes, alleys, highways, market spaces, public landings and commons in or along which such water-mains are laid or extended, by the foot front, or according to the valuation of the same on the tax list, or according to the benefits, as they shall determine.

Cincinnati.

Laying pipes in highways.

Sec. 2432. The council, or the board of administration in cities of the first grade of the first class, may prescribe, by ordinance, or said board of administration may provide by resolution for the laying down of water-pipes in all highways about to be paved, macadamized or otherwise permanently improved, and for the assessment of the cost and expense thereof upon the lots or parcels of land adjoining or abutting upon the highways in which the same are laid; but in no case, except as a sanitary measure, shall the council require any house connections to be built further from the main pipe than the outer line of the curbstone.

Repeals.

SECTION 2. That section 2411 and section 2432 be and the same are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 18, 1893.
289G

[Senate Bill No. 148.]

AN ACT

To amend section 6856—1 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6856—1 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 6856—1. That the punishment of persons convicted of misdemeanors and sentenced to any workhouse in the state of Ohio, shall be cumulative, and it is provided that where any person is convicted of an offense under the law of the state or an ordinance of a municipal corporation, and the tribunal before which the conviction is had is authorized by law to commit the offender to a workhouse, and a previous conviction for any such offense whether committed heretofore or hereafter, and whether committed in this state or elsewhere within the limits of the United States of America, shall be proved against such person, the sentence for the last offense shall not be for less than double the penalty imposed for such previous offense, and where two previous convictions for such offenses are proven against the offender, the sentence shall not be less than for double the penalty imposed for the last of such previous offenses. Provided that nothing in this section shall be construed as authorizing any court or magistrate to impose a greater than the maximum penalty now provided by law for such offenses, except as hereinafter provided. Every person who, after having been three times convicted and sentenced for offenses under the law of the state or any ordinance of a municipal corporation, whether committed heretofore or hereafter, and whether committed in this state or elsewhere within the limits of the United States of America, shall be convicted of an offense under the law of the state or an ordinance of a municipal corporation, hereafter committed, and the tribunal before which such conviction is had is authorized by law to commit the offender to the workhouse; every such person so convicted shall be deemed and taken to be an habitual offender and may be imprisoned in a workhouse for a period not greater than three years nor less than one year, unless pardoned by the governor; and in all such cases the court may further order that such person shall stand committed to such workhouse until the costs of prosecution are paid, or he be discharged as hereinafter provided. And the fact of such repeated misdemeanors shall be charged in the information or complaint made against such offender and, if proved, shall be stated in the commitment to the workhouse. Provided, that nothing in this section shall be construed as conferring power upon any court, magistrate or mayor to sentence any offender to said workhouse from any county or municipality outside the municipality where such workhouse is situated, except upon such terms and under such conditions as are now or may here-

Workhouses:

Cumulative sentences.

Sentence of habitual offenders.

after be provided by law. And provided, further, that if any person convicted under the provisions of this section shall show to the satisfaction of the court before which such conviction was had that a pardon was granted for either of such offenses on the ground of innocence, such conviction and sentence shall not be considered as such under this act.

Repeals.

SECTION 2. That said section 6856—1 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage,

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 19, 1893.
293G

[Senate Bill No. 395.]

AN ACT

To amend section 6096 of the Revised Statutes, so as to require referees in certain cases to report to probate court.

Executors and
administrators:

Proceedings
upon reference
of claim.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6096 of the Revised Statutes be amended so as to read as follows:

Sec. 6096. The referees shall thereupon proceed to hear and determine the matter, and make their report thereon to the said probate court; and the same proceedings may be had before said referees in all respects; the referees shall have the same powers, be entitled to the same compensation, as if the reference were made under the provisions made for arbitrations under a rule of the court of common pleas; and the court may set aside the report of the referees or appoint others in their places, or confirm such report and adjudge costs, as in actions against executors and administrators; and the judgment of the court thereupon shall be valid and effectual in all respects, as in other cases.

Repeals.

SECTION 2. Said original section 6096 of the Revised Statutes is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 19, 1893.
294G

[Senate Bill No. 561.]

AN ACT

To amend section 4 of an act entitled "An act to regulate drilling, operating and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith," passed February 9, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 of an act entitled "An act to regulate drilling, operation and abandonment of petroleum oil, natural gas and mineral water wells, and to prevent certain abuses connected therewith," passed February 9, 1893, be amended so as to read as follows:

Natural gas:

Sec. 4. That it shall be unlawful for any person, copartnership or corporation to use natural gas for illuminating purposes in what are known as flambeau lights; but nothing herein shall prohibit the use of "jumbo" burners or other burners consuming no more gas than such "jumbo" burners; but the person, copartnership or corporation consuming said gas and using such burners in the open air shall inclose the same in glass globes or lamps, and any one using such gas in the open air, or in or around derricks, shall turn off said gas not later than eight o'clock in the morning of each day such lights or burners are used, and shall not turn on or relight the same between the hours of eight o'clock a. m. and 5 o'clock p. m. But nothing herein shall prohibit the burning of flambeau lights within the derrick of any drilling well.

Use of flambeau lights and "jumbo" or similar burners.

SECTION 2. That said original section be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 19, 1898.

297G

[House Bill No. 963.]

AN ACT

To amend section 2745 of the Revised Statutes, as amended April 12, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2745 of the Revised Statutes of this state be and the same is hereby amended so as to read as follows:

Listing personal property:

Sec. 2745. Every agency of an insurance company, and every agency of any company or association transacting business in this state, under the provisions of section 3630e of the Revised Statutes, incorporated by the authority of any other state or government, shall return to the

Return and taxation of gross premium and assessment receipts of foreign insurance companies and associations.

Return and taxation of receipts of foreign insurance companies, etc.

auditor of each county in which such company or association does business, or from which it collects premiums or assessments, on or before the first day of May, annually, the amount of the gross premium and assessment receipts of such agency for the previous calendar year in such counties; provided, however, that in the case of regular companies, wherein policy holders participate in the surplus and earnings of the company, dividends or surplus from previous payments allowed and used in the payment of current premiums, cancellation or surrender values, and commissions paid to the citizens of this state, during the same period for which receipts are reported, shall be deducted from such gross receipts, and the net amount after such deductions shall be the basis of taxation for such companies under this section; which shall be entered upon the tax list of the proper county, and be subject to the same rate of taxation for all purposes, that other personal property is subject to at the place where located, and the whole of said tax shall be due and payable on the 20th day of November next ensuing; and it shall be the duty of the superintendent of insurance, in the month of December, annually, to charge and collect from such companies or associations such a sum as, added to the amount paid to the county treasurers, will produce an amount equal to two and one-half per cent. on such receipt of such companies and associations, as shown by their annual statements under oath to the insurance department; provided, however, that if by the laws of any other state, territory or nation, a larger tax than two and one-half per cent. on such receipts is charged companies or associations organized under the laws of Ohio then the superintendent of insurance shall charge a like tax upon companies or associations from such state, territory or nation doing business in this state. If any such company or association refuses to pay said tax after demand therefor has been made, or if it shall make any false statement of its receipts as herein provided, the superintendent shall revoke the license of such company or association to do business in this state. If, at any time, said superintendent has reason to suspect the correctness of the return made by any such company or association, he may, at the expense of the state, make an examination of the books of such company or association, or of its agents, for the purpose of verifying the same. All taxes collected under the provisions of this section by the superintendent of insurance shall be paid by him, upon the warrant of the auditor, into the general revenue fund of the state.

SECTION 2. That said section 2745, as amended April 12, 1889, is hereby repealed; and this act shall be in force and take effect from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 19, 1893.
298G

[House Bill No. 1245.]

AN ACT

To authorize and require the adjutant-general to issue certificates of service to certain militiamen.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the adjutant-general be and is hereby authorized and required to furnish certificates of service to members of company K (captain John Griffiths), 1st regiment, Highland county militia, who were called into service during the Morgan raid. Provided that it shall appear to the adjutant-general by the records of his office or by the records in the office of the auditor of state, that the said company K Highland county militia, were actually in militia service or that they performed any military service for which they were paid out of the treasury of the state of Ohio.

Certificates of service of members of company K, 1st regiment, Highland county militia.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 19, 1893.
299G

[Senate Bill No. 571.]

AN ACT

To amend section 5301 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5301 be amended so as to read as follows: Exceptions:

Sec. 5301. When the decision is not entered on the record, or the grounds of the objection do not sufficiently appear in the entry, or the exception is to the decision of the court on a motion to direct a nonsuit, or to arrest the testimony from the jury, or for a new trial for misdirection by the court to the jury, or because the verdict, or if a jury is waived, the finding of the court is against the law and

When bill of exceptions must be presented for allowance.

In case of absence, sickness or death of trial judge or judges.

the evidence, or on the admission or rejection of evidence, the party excepting must reduce his exceptions to writing, and present the same to the trial judge or judges for allowance within fifty days after the overruling of the motion for a new trial, or the decision of the court where a motion for a new trial is not necessary. Provided, that in case the trial judge or judges be absent from the district or circuit when such bill of exceptions is so prepared for allowance, then the same may be deposited within said fifty days with the clerk of the court for the examination and allowance by such trial judge or judges, who shall be required to sign the same, if correct, on or before the fifth day of the term of the court next ensuing after the expiration of said fifty days; and provided further that in case the trial judge of any district is sick and unable to attend to such signing, or in case of the death of such trial judge, then such bill of exceptions so prepared for allowance may be presented to any judge of such district and upon examination of the same and being satisfied that the same is correct, shall sign the same on or before the expiration of said fifty days. This provision shall be held to apply to cases pending upon the passage of this act

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 19, 1893.

301G

[Senate Bill No. 364.]

AN ACT

To amend section 2260 of the Revised Statutes of Ohio.

Appropriation of property by municipality:

Effect of failure to pay for or take possession of appropriated land within six months after assessment of compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2260 of the Revised Statutes shall be amended so as to read as follows:

Sec. 2260. (Effect of neglect to take possession in six months.) When a municipal corporation makes an appropriation of land for any purpose specified in this chapter, and fails to pay for or take possession of the same within six months after the assessment of compensation shall have been made, as hereinbefore provided, the right of the corporation to make such appropriation on the terms of the assessment so made, shall cease and determine; and any lands so appropriated shall be relieved from all incumbrance on account of the proceeding in such case, or the resolution of the council making the appropriation; and the judgment or order of the court directing such assessment to be paid shall cease to be of any effect, except as to the cost adjudged against the corporation, and upon motion of

any defendant said costs shall thereupon be retaxed, and a reasonable attorney's fee, to be paid to the attorney of such defendant, together with any other reasonable and proper expense incurred by defendant in an amount to be then fixed by the court, shall be added to and included in such costs as a part thereof, to be collected by execution or otherwise, in the same manner as though originally so taxed.

SECTION 2. Said original section 2260 is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
308G

[House Bill No. 1128.]

AN ACT

To amend section 3235 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3235 of the Revised Statutes of Ohio be amended so as to read as follows:

Creation of corporations:

Sec. 3235. Corporations may be formed in the manner provided in this chapter for any purpose for which individuals may lawfully associate themselves, except for dealing in real estate or carrying on professional business; and if the organization is for profit, it must have a capital stock. Such stock may consist of common and preferred, or of common only; and if of both common and preferred it may be provided in the articles of incorporation that the holders of the preferred stock shall be entitled to dividends not exceeding six per centum per annum out of the surplus profits of the company for each year in preference to all other stockholders, and that they may convert such preferred stock into common stock of the company at their election.

Purposes for which corporations may be formed.

Capital stock.

SECTION 2. That said section 3235 be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
306G

[House Bill No. 1359.]

AN ACT

To supplement section 906 of the Revised Statutes of Ohio.

County
recorder:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 906 of the Revised Statutes be and the same is hereby supplemented so as to read as follows, viz.:

Transcribing of
torn mutilated
or defaced
records or books
in office of
county recorder
of Hamilton
county.

Sec. 906a. Whenever any of the records or books in the office of the county recorder in any county containing a city of the first grade of the first class, have, by reason of age, ordinary wear and tear or constant use, become torn, mutilated or defaced so as to seriously affect or threaten the credibility of such records or books, it shall be the duty of the recorder of said county to have such torn, mutilated or defaced records or books transcribed into other books, which transcribing shall be paid for at the same rate prescribed in section 906 for transcribing records and books in the offices of county auditor, county recorder and county surveyor; and the records and books so made shall have the same force and effect and be as valid in law as evidence as the records and books from which the same were taken. The amounts due for the work of such transcribing shall be certified by the recorder of said county to the auditor of said county, who shall thereupon draw his warrant on the treasurer of said county in payment of the same, payable out of the county fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

307G

[House Bill No. 1574.]

AN ACT

Supplementary to section 897 of the Revised Statutes, as amended April 8, 1886.

County com-
missioners:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 897 of the Revised Statutes, as amended April 8, 1886:

Salary and ex-
penses in Darke
county.

Sec. 897d. In counties which by the last preceding federal census had a population of not less than 42,950 nor more than 42,970 or which at any subsequent federal census may have such population, each commissioner shall receive a salary at the rate of one thousand three hundred dollars per annum and shall be allowed for expenses incurred

within such county in the discharge of his duties the sum of two hundred dollars annually, which sums shall be paid out of the county treasury upon the warrant of the county auditor.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
308G

[House Bill No. 1060.]

AN ACT

To amend an act passed April 16, 1892, relating to the national women's relief corps home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be amended so as to read as follows:

Sec. 1. That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated the sum of five thousand dollars (\$5,000) for the purpose of heating, lighting and equipping the cottage erected on the grounds of the national woman's relief corps home at Madison, Lake county, Ohio, erected according to provisions of an act passed March 17, 1891 (88 O. L. page 140).

National
women's relief
corps home:

Appropriation
for heating,
lighting and
equipping Ohio
cottage.

SECTION 2. That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated the sum of two thousand five hundred dollars (\$2,500), in addition to the sum appropriated in section one of this act, for the purpose of completing the home and the equipping of the same, and the auditor of state is hereby authorized and required to draw his warrant on the state treasurer for said sum, in favor of and on the order of the president of the board of construction of said cottage, appointed under and by authority of an act of the general assembly passed March 17, 1891.

Additional
appropriation
for completing
and equipping
cottage.

SECTION 3. That said original act be and the same is hereby repealed. Repeals.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
311G

[House Bill No. 1067.]

AN ACT

To amend section 613 of the Revised Statutes.

Justices of the
peace:Allowance for
purchase of
criminal docket,
desk and sta-
tionery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section 613 of the Revised Statutes of Ohio be amended so as to read as follows:*

Sec. 613. Each justice of the peace may retain out of any fines or other moneys belonging to the county, that come into his hands in criminal proceedings, the amount paid for a criminal docket; and each justice of the peace except justices who receive a salary, may retain out of any such fines or other moneys belonging to the county, coming into his hands in criminal proceedings, an amount not exceeding the sum of twenty dollars for the purchase of a suitable and convenient desk in which to keep the dockets, files and other papers, books, and documents of his office, which desk shall be the property of the county and shall be turned over by each justice of the peace to his successor; and each such justice of the peace may expend of such moneys coming into his hands as aforesaid, not exceeding the sum of five dollars per annum for the purchase of the necessary paper, blanks, and other stationery for his office; provided no such justice shall be entitled to purchase such desk in case he has received from his predecessor a suitable desk for the purposes aforesaid; and every justice of the peace who shall pay out money for the purposes aforesaid shall file with the county auditor at the expiration of his term of office a sworn itemized statement of such purchases and of the money so expended, and in making the statement provided for in section 619 of the Revised Statutes a justice of the peace having made such expenditures or having such moneys in his hands contemplated for such purposes shall include the moneys so paid out or held by him in contemplation of such purchases.

Repeals, etc.

SECTION 2. Said original section 613 is hereby repealed and this act shall take effect from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

312G

[House Bill No. 1291.]

AN ACT

To amend section 1951 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1951 of the Revised Statutes of Ohio be amended so as to read as follows:

Cleveland
department of
police:Patrolmen for
special duties.

Sec. 1951. The director of police, whenever he sees fit, may, on the application of any person who shows the necessity thereof, or on the application of any company incorporated under the laws of the state of Ohio for the purpose of doing night-watching and special police service, appoint any number of additional patrolmen to do duty at any place within the city, at the charge and expense of the person by whom the application is made, and the patrolmen so appointed after being sworn, shall be subject to the orders of the director of police and shall obey the rules and regulations of said director, and conform to his general discipline, and to such other special regulations as may be made, and shall wear such dress or emblem as said director may direct; and during the term of their holding such appointment they shall possess all the powers and privileges and perform all the duties of the patrol force herein prescribed; provided, that the party so applying for such appointment shall first pay into the trust fund, hereinbefore provided for, the sum of five dollars for each special patrolman thus appointed, except organizations incorporated under the laws of Ohio for the purpose of doing night-watching service and special police duties throughout such cities of the second grade of the first class, who shall be exempt from such payment; and provided further, that the persons so appointed may be removed at any time by the director of police without assigning cause therefor.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1898.
313G

[House Bill No. 1338.]

AN ACT

To supplement section 4919 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 4919 of the Revised Statutes of Ohio, with sectional numbering as follows:

Tax to repair
damaged high-
ways:

Provisions of preceding section inapplicable to Van Wert, Defiance and Paulding counties.

Sec. 4919a. The provisions of section forty-nine hundred and nineteen (4919) of the Revised Statutes of Ohio shall not apply to any county of this state, which at the last federal census had or which at any subsequent federal census may have a population of not less than twenty-nine thousand and fifty (29,050) and not exceeding twenty-nine thousand and eight hundred (29,800), nor in any county which at such last federal census had or which at any subsequent census may have a population of not less than twenty-five thousand seven hundred (25,700) nor more than twenty-six thousand (26,000), and the property included within the limits of any such county shall not be subject to such levy as is provided for in said section 4919.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

314G

[House Bill No. 1396.]

AN ACT

To amend section 2333 of the Revised Statutes of Ohio, as amended April 18, 1892.

Assessments—sidewalks and gutters:

Exemption of property for construction of sidewalks or gutters.

Cities where sidewalks widened and roadways narrowed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2333, as amended April 18, 1892, of the Revised Statutes of Ohio be and the same is hereby amended so as to read as follows:

Sec. 2333. Nothing in this chapter shall be so construed as to tax property for the purpose of constructing any sidewalk or gutter the owners of which have constructed and maintained sidewalks and gutters in front of such property, as ordered by the council or board; but the foregoing provision shall not apply in cities where, for the purpose of paving the roadway of any street, the sidewalks have been or shall be hereafter increased in width and the roadway narrowed, but in all such cases the cities may require, if deemed necessary by the council, that such sidewalks from the property line to the new curb, be reconstructed and paved, or repaved, at the expense of the owners of the abutting property, in such manner and with such material, as council may deem proper and declare, and such expense may in such cases be assessed against the abutting property as in other cases of sidewalk improvement.

Repeals.

SECTION 2. That section 2333, as amended April 18, 1892, of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
315G

[House Bill No. 1485.]

AN ACT

To amend section 2304, as amended March 15, 1892, and sections 2329 and 2332, as amended April 18, 1892, of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2304, as amended March 15, 1892, and sections 2329 and 2332, as amended April 18, 1892, of the Revised Statutes of Ohio, be and the same are hereby amended so as to read as follows:

Sec. 2304. When it is deemed necessary by a city or village to make a public improvement, the council shall declare by resolution the necessity of such improvement, and shall give twenty days' written notice of its passage to the owners of the property abutting upon the improvement, or to the persons in whose names it may be assessed for taxation upon the tax duplicate, who may be residents of the county, which notice shall be served by a person designated by the council upon such person in the manner provided by law for the service of summons in a civil action, and publish the resolution not less than two nor more than four consecutive weeks in some newspaper published and of general circulation in the corporation; provided, that in case of sewers, the twenty days' written notice to the owners of abutting property, or to the persons in whose names the abutting property is assessed, shall not be required; and, provided, that when there is no newspaper published in such city or village, written notices shall be posted in twelve public places in the city or village; and all plans and profiles relating to the improvement shall be recorded and kept on file in the office of the city civil engineer or clerk, and open to the inspection of all parties interested; and council may appoint a person to serve the notice provided for by this section, who shall make a return of the time and manner of such service, and verify the same by affidavit, which shall be filed with the clerk of the corporation, and the same or a certified copy thereof shall be prima facie evidence of the service of the notice as therein stated; provided, that in cities of the first grade of the first class, the power to serve and publish such notice shall be vested in the board of city commissioners or their successors in office provided for in the second chapter of

Assessments:

Resolution declaring necessity of public improvement; notice to owners of abutting property.

Publication of resolution.

Sewers.

Posting of written notices.

Plans and profiles.

Appointment of person to serve notice; return of service, verification and filing of same, and value of same as evidence.

Cincinnati.

Dayton.

this division; and provided, further, that in cities of the second grade of the second class, the power to serve and publish such notices, to designate a person to make such service, and to provide for the return thereof to an officer to be by them designated, shall be vested exclusively in the board of city affairs of such city.

Notice to owners of abutting property to construct or repair sidewalks or gutters.

Sec. 2329. When the council, board of improvements, board of public works, board of city affairs, or board of administration, as the case may be, declares by resolution that certain specified sidewalks or gutters shall be constructed or repaired, the mayor, where no board as above designated exists, or such board, in any city having such board, upon being advised of the passage of such resolution, shall cause a written notice of the passage of such resolution to be served in the manner provided in section 2304 upon the owner or the agent of the owner of each parcel of land abutting on such sidewalk or gutter who may be a resident of the city or village, in the manner provided by law for the service of summons in a civil action, and shall return a copy of such notice, with the time and manner of service indorsed thereon and signed by the officer serving the same, to the clerk of the corporation, or to such other officer as shall be designated by council, or by any such above designated board where it exists, who shall file and preserve the same in his office; and for the purpose of such service, if the owner is not a resident of the city or village, any person charged with the collection of rents, or the payment of the taxes of such property, or having general control thereof in any way, shall be regarded as the agent of the owner; and such return shall have the like force and effect as the sheriff's return on a summons in a civil action; provided, that when it shall come to the knowledge of the city commissioner or such other officer as the council, or such board where it exists, shall designate by resolution, that any dangerous defect exists in any sidewalk or gutter, the total cost of repairing which to be charged to any one parcel of land shall not exceed five dollars, it shall be sufficient for, and the duty of such officer to forthwith, in like manner and with like effect, serve and return a notice to the owner of such land or his agent, stating that if such repair be not made within three days by such owner, the same will be made at his expense, at a reasonable cost to be stated in the notice, and that if said cost be not paid to the clerk of the corporation, or to the city comptroller or city auditor, where there is such an officer of said corporation, within fifteen days after such repair is made, the same will be charged against said land as taxes; and if such repair be not made within such three days, such designated officer shall forthwith repair the same and report the fact to the clerk of the corporation, or to the city comptroller or city auditor where there is such officer, who shall thereafter certify the sum named in the notice, if not paid within such fifteen days, to the county auditor for taxation. But such sum shall be in each case a reasonable charge for the ma-

Return and filing of copy of notice.

Service upon agent of owner.

Force and effect of return.

Notice to repair certain dangerous defects in sidewalks or gutters.

Making of such repairs at owner's expense.

terial furnished and the work performed. And if it appear in the return in any case that such owner is a non-resident, or that neither any such owner nor agent nor their residence could be found, then the notice given by publication of a copy of the resolution in some newspaper of general circulation in the corporation, in the manner provided for publication of resolutions under section 2304 of the Revised Statutes, shall be deemed sufficient notice to such owner, not so found, but such publication shall not be necessary in the case of construction or repair of sidewalks or gutters, where such notice is served upon the owner or agent as herein provided.

Notice by publication of resolution.

Sec. 2332. If the board of public works, board of administration, board of city affairs, board of improvements, council or trustees of any municipal corporation deem it necessary to construct a sidewalk or gutter on one side only of any street, alley, turnpike or plank road, with proper crossings from one side to the other, it shall be lawful to assess and collect the charge for constructing or repairing such sidewalk, gutter and crossings on the owners of the lots or lands abutting on both sides of such street, alley or road in like manner as if such sidewalk and gutter had been constructed on both sides; but when a sidewalk or gutter is so constructed, if it is deemed necessary to construct a sidewalk or gutter on the other or corresponding side of such street, alley or road, the charge therefor shall also be assessed on the owners of the lots and lands on both sides.

Construction of sidewalks or gutters on one side only.

Construction upon other side.

SECTION 2. That section 2304, as amended March 15, 1892, and sections 2329 and 2332, as amended April 18, 1892, of the Revised Statutes of Ohio, be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
316G

[House Bill No. 1515.]

AN ACT

To authorize villages of the second class to construct sidewalks, and to supplement section 2330 of the Revised Statutes, as amended April 23, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 2330 of the Revised Statutes, and bear the sectional number 2330b:

Assessments—sidewalks, etc.

Construction of sidewalks, curbing or gutters and assessment of cost upon abutting property, in villages of the second class.

Exemption from penalty.

Bonds.

Assessments.

Bids.

Option of paying cash or having assessment placed on duplicate.

Rejection of bids.

Submission of question of issuing bonds to electors.

Sec. 2330 $\frac{1}{2}$. In villages of the second class whenever sidewalks, curbing or gutter are to be constructed pursuant to a resolution of council, under section 2329 of the Revised Statutes, the council may construct such walk or part or parts of walk, curbing or gutter, and assess the cost and expense of constructing such sidewalks, curbing or gutter, or part or parts thereof, upon the abutting property, which, however, shall be exempt from the penalty provided in section 2330 of the Revised Statutes; and to carry out such purpose the council is hereby authorized to issue bonds of such village in denominations not to exceed one thousand dollars each, to be payable in not less than one nor more than ten years' issue, and shall bear interest at a rate not to exceed six per cent. per annum, interest payable semi-annually, which bonds shall be sold for not less than their par value, and the proceeds arising from such sales to be applied to the cost of such improvements and the cost of issuing such bonds and the payment of interest thereon, and to no other purposes; provided, that the council may use the bonds at their par value in payment of contractors without advertising for their sale. The assessments upon the abutting property shall be in such amounts as will be sufficient to provide for the payment of such bonds, and the interest due thereon, as the same may mature, and such assessments shall be certified by the clerk of such village to the auditor of the county in which such village is situated, and placed upon the duplicate, and shall be a lien upon the property so assessed. Whenever the council shall determine to improve the sidewalks, curbing or gutter of any street, streets or portions of streets, in accordance herewith, they shall advertise for bids in not less than two papers published in the county where such work is to be done, and all such bids shall designate the material proposed to be used, and all bids must be on file with the clerk of said village for ten days before the contract shall be awarded, and any property owner may elect whether he or she desires to pay cash for the same, or have it placed on the tax duplicate as herein provided. If any person electing to pay cash shall fail to do so within thirty days after the completion of the work, it shall be the duty of the clerk to certify the amount to the auditor, together with the interest due as herein provided. The council may reject any or all bids.

SECTION 2. Before said bonds shall be issued, it shall be the duty of the common council of any village wherein such improvements are contemplated, to submit the question of issuing bonds for the improvement of sidewalks to the qualified electors of said village at a general or special election to be called for that purpose; ten days' notice of the proposed submission of said proposition to issue bonds for the above named purpose shall be given by advertising same in some newspaper of general circulation in the village. The form of ballots of said election on said proposition shall be as follows: "For the issue of bonds for sidewalks—Yes;" "For the issue of bonds for sidewalks—

No;" and if a majority of the qualified electors voting at said election shall vote in favor of said proposition, said village council shall be authorized to issue bonds as herein provided and not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
317G

[House Bill No. 1699.]

AN ACT

To amend section 2330a of the Revised Statutes, as amended March 29, 1892 (vol. 89 O. L. 156).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2330a of the Revised Statutes, as amended March 29, 1892 (89 O. L. 156), be amended so as to read as follows:

Sec. 2330a. In cities of the fourth grade, second class, and in villages lying wholly or partly in counties containing a city of the first grade, first class, whenever sidewalks, curbing or gutter are to be constructed pursuant to a resolution of council, under section 2329 of the Revised Statutes, the council may construct such walk or part or parts of walk, curbing or gutter, and assess the cost and expense of constructing such sidewalk, curbing or gutter or part or parts thereof upon the abutting property, which, however, shall be exempted from the penalty provided in section 2330 of the Revised Statutes; and to carry out such purpose the council is hereby authorized to issue the bonds of such city or village, in denominations not to exceed one thousand dollars each, to be payable in not less than one nor more than ten years' issue, and shall bear interest at a rate not to exceed six per cent. per annum, interest payable semi-annually, which bonds shall be sold for not less than their par value, and the proceeds arising from such sales to be applied to the cost of such improvements and the cost of issuing such bonds and the payment of interest thereon, and to no other purpose; provided, that the council may use the bonds at their par value in payment of contracts without advertising for their sale. The assessments upon the abutting property shall be in such amounts as will be sufficient to provide for the payment of such bonds, and the interest due thereon as the same mature, and such assessments shall be certified by the clerk of such city or village to the auditor of the county, or counties in which such city or village is situated, and placed upon the duplicate, and shall be a lien upon the property so assessed. Whenever the council shall

Assessments—
sidewalks, etc.:

Construction of
sidewalks, curb-
ing or gutters
and assessment
of cost upon
abutting prop-
erty, in certain
cities and vil-
lages.

Exemption from
penalty.

Bonds.

Assessments.

Bids.

Option of paying cash or having assessment placed on duplicate.

Rejection of bids.

Repeals.

determine to improve the sidewalks, curbing or gutter of any street, streets or portion of streets in accordance herewith, they shall advertise for bids in some paper published or of general circulation in the city or village where such work is to be done, and all such bids shall designate the material and kind and quality of material proposed to be used; and all bids must be on file with the clerk of said city or village for ten days before the contract shall be awarded, and any property owner may elect whether he or she desires to pay cash for the same or have it placed on the tax duplicate as herein provided. If any person electing to pay cash shall fail to do so within thirty days after the completion of the work, it shall be the duty of the clerk to certify the amount to the auditor as herein provided. The council may reject any and all bids.

SECTION 2. Said section 2330a is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

320G

[House Bill No. 1864]

AN ACT

To amend section 2 of an act entitled "An act to authorize the trustees of the boys' industrial school to construct a stand-pipe," passed March 17, 1893.

Stand-pipe at boys' industrial school:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2 of an act entitled "An act to authorize the trustees of the boys' industrial school to construct a stand-pipe," passed March 17, 1893, be amended so as to read as follows:

Contract for work without advertisement.

Sec. 2. The said trustees are hereby authorized in view of the emergency to proceed without advertisement to contract for such work upon the best terms obtainable, any provision of the general statutes to the contrary notwithstanding.

Repeals.

SECTION 2. That section 2 of the act entitled "An act to authorize the trustees of the boys' industrial school to construct a stand-pipe," passed March 17, 1893, is hereby repealed.

SECTION 3. This act to take effect and be in force on and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
 ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
 321G

[House Bill No. 1099.]

AN ACT

To amend section 6044 of the Revised Statutes of Ohio, as amended April 25, 1890 (O. L., 87, p. 296).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6044 of the Revised Statutes of Ohio, as amended April 25, 1890, be amended so as to read as follows:

Sec. 6044. Upon the completion of the inventory it shall be signed by the appraisers, and a copy thereof shall be retained by the executor or administrator, and he shall return the original to the probate court, and said court shall, at the end of each month, deliver to the county auditor, a statement showing as to each inventory the aggregate value of each class of property other than real, as shown by the inventories filed during that month, for his use and the use of the proper board of equalization, in the performance of their respective duties in relation to returns for taxation of personal property, moneys, rights and credits, and the equalizing and correction of the same; and any taxes or penalty lawfully placed on any duplicate, or added by the county auditor or board of equalization within nine months from the time of filing said inventory with the probate court, because of a failure to make a true return, or of making a false return for taxation, shall be a debt of the decedent, and paid and have the same priority as other taxes, and no distribution, or payment of inferior debts or claims shall relieve the executor or administrator, or their sureties, from liability to pay such tax and penalty, and for making said statements; but no such tax or penalty shall be added before notice to the executor or administrator, and an opportunity is given him to be heard; and in all additions to the personal tax lists and duplicate made by any county auditor, each succeeding tax year shall be considered as beginning at the time of the completion of the annual settlement with the county treasurer, of the duplicate for the previous year; the probate judge shall be entitled to the same compensation as for other like services, to be taxed as a part of the costs of administering such estate; provided, however, that no percentage, nor any part of any increased tax on the property of any such estate, covered by any such inventory, and required by law to be listed in the name of

Executors and administrators:

Signing of inventory, retention of copy and return of original.

Monthly statement of probate court to county auditor.

Priority of debt for taxes or penalty.

Beginning of each succeeding tax year.

Compensation of probate judge.

No allowance for tax inquisitors.

the executor or administrator, shall be allowed or paid to any person or persons under any contract for securing for taxation, or putting on the tax list or duplicate, property improperly or otherwise omitted, or not listed or returned for taxation, nor shall any compensation of any kind be allowed or paid to any such person by reason of the omission of any of the property of any such estate, or any of the property included in any such inventory, so required by law to be listed by the executor or administrator, from any tax return, nor for any services relating thereto, under or by reason of any such contract.

Repeals.

SECTION 2. That section 6044 of the Revised Statutes of Ohio, as amended April 25, 1890, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

322G

[House Bill No. 1279.]

AN ACT

To provide means for the erection of permanent buildings upon the grounds of cemetery associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of any township in this state, wherein their township owns a burial-place within the grounds of a cemetery association, may levy a tax not exceeding five (5) mills upon the dollar of the tax duplicate of said township for the purpose of erecting permanent buildings upon and within such cemetery grounds.

Tax for erection of buildings upon grounds of cemetery association.

Application of tax.

SECTION 2. When such tax shall have been assessed and collected the same shall be paid to the officers of said cemetery association, and by them applied to the erection of such permanent buildings as in their judgment may be requisite for the accommodation of the patrons of said cemetery.

Bonds in anticipation of tax.

SECTION 3. The officers of such cemetery association may issue and sell bonds in anticipation of said tax; such bonds to bear interest at a rate not exceeding six (6) per cent. per annum.

SECTION 4. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

323G

[House Bill No. 1407.]

AN ACT

To amend section 4443 of the Revised Statutes of Ohio, as amended April 13, 1889.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4443 of the Revised Statutes of Ohio, as amended April 13, 1889, be so amended as to read as follows:

Weights and measures:

Sec. 4443. A bushel of the respective articles herein-after mentioned shall mean the amount of weight, avoirdupois, in this section specified, viz.: Of wheat, sixty pounds; of rye, fifty-six pounds; of oats, thirty-two pounds; of clover seed, sixty pounds; of timothy seed, forty-five pounds; of hemp seed, forty-four pounds; of millet seed, fifty pounds; of buckwheat, fifty pounds; of beans, sixty pounds; of peas, sixty pounds; of hominy, sixty pounds; of Irish potatoes, sixty pounds; of sweet potatoes, fifty pounds; of onions, fifty-five pounds; of dried peaches, thirty-three pounds; of dried apples, twenty-four pounds; of flax seed, fifty-six pounds; of barley, forty-eight pounds; of malt, thirty-four pounds; of Hungarian grass seed, fifty pounds; of lime, seventy pounds; of coke, forty pounds; of bituminous coal, eighty pounds; of cannel coal, seventy pounds; of corn, shelled, fifty-six pounds; of corn in the ear, sixty-eight pounds; of pop-corn in the ear, forty-two pounds; of tomatoes, fifty-six pounds; of apples, fifty pounds; of peaches, forty-eight pounds; of turnips, sixty pounds; of carrots, fifty pounds; of beets, fifty-six pounds.

Standard weight of bushel.

SECTION 2. Said section 4443 of the Revised Statutes, as amended April 13, 1889, is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals etc.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

324G

[House Bill No. 1766.]

AN ACT

To change the name of the society of friends of Ohio yearly meeting, known as the "Guerney Branch," to "Friends' Church."

Changing name
of society of
friends of Ohio
yearly meeting.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the society of friends of Ohio yearly meeting, known as the "Guerney Branch," be and the same is hereby changed to "Friends' Church."

Effect of change.

SECTION 2. That said change in name shall in no way affect the present or future rights, privileges and liabilities of said society or church.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 20, 1893.

325G

[Senate Bill No. 186.]

AN ACT

Requiring persons, associations and corporations owning or operating street cars to provide for the well being of employees.

Screens for protection of directors of motor power on electric street cars.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That every electric street car other than trail cars which are attached to motor cars, shall be provided during the months of November, December, January, February and March of each year, at the forward end with a screen constructed of glass or other material, which shall fully and completely protect the driver, or motorman, or gripman, or other person stationed on such forward end and guiding and directing the motor power by which they are propelled, from wind and storm.

Penalty for failure to provide screens.

SECTION 2. Any person, agent or officer of any association or corporation violating the provisions of this act shall, upon conviction, be fined in any sum not less than \$25 nor more than \$100 for each day each car belonging to and used by any such person, association or corporation is directed or permitted to remain unprovided with the screen required in section one of this act; and it is hereby made the duty of the prosecuting attorney of each county in this state to institute the necessary proceedings to enforce the provisions of this act.

Duty of prosecuting attorney.

SECTION 3. This act shall take effect and be in force on and after November 1, A. D. 1893.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 20, 1893.
327G

[House Bill No. 652.]

AN ACT

To supplement section 6881 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6881 of the Revised Statutes of Ohio be supplemented, with sectional numbering as follows: Offenses against property:

Sec. 6881a. Whoever being the owner of any shanty-boat, anchors, ties or beaches said boat upon the real estate of another along a creek or river, unless in case of distress or for a longer period than thirty-six hours, without the permission of the owner or agent of the said real estate upon which said boat is anchored, tied or beached, shall upon conviction be fined not more than fifty dollars or imprisoned not more than thirty days. Penalty for trespass by owner of shanty-boat.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.
331G

[House Bill No. 984.]

AN ACT

For the relief of certain persons who formerly held lands in the Virginia military district of Ohio.

WHEREAS, The general assembly of Ohio, on March 14, 1889, passed the following act, to wit: Preamble.

[House Bill No. 349.]

AN ACT

To quiet title to unpatented lands in the Virginia military district of Ohio.

WHEREAS, The United States, by an act of congress, dated February 18, 1871, ceded the unsurveyed lands in said district to the state of Ohio; and

Preamble.

WHEREAS, The general assembly of Ohio, by act of March 2, 1872, ceded said lands to the Ohio state university; and

WHEREAS, It was supposed at the time of the passage of said act of cession, that the legal title passed only to such lands as had not been surveyed, but it is now understood, and courts have been holding in many actions brought by said university to reclaim defective surveys, that the legal title to all unpatented lands in said district where the survey was not returned to the general land office, Washington, D. C., before January 1, 1852, is now in said university; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That as soon as the board of trustees of the Ohio state university accepts the provisions hereinafter made, it is hereby authorized and required to execute and deliver upon demand, a deed of conveyance to the parties in possession under claim of title of any unpatented survey, or part thereof, in said Virginia military district; provided, however, that all applicants for such deed must furnish said trustees with a certified copy of the deed under which they claim, and if required, a certified copy of the unpatented survey in which their lands are situate as the necessary evidence to satisfy the board that the same has never been patented but has been occupied and improved by the said parties in possession or those under whom they claim title, for more than twenty-one years; provided, also, that each applicant shall pay the board of trustees the sum of two dollars, as the cost of preparing and executing such deed.

Sec. 2. The auditor of state shall add the sum of one dollar per acre, reckoned by the number of acres of land in each actual survey, for all conveyances so made to that part of the irreducible debt of the state, which forms the endowment of said Ohio state university; provided, that in cases where suit has been brought for the recovery of said lands, persons demanding deeds of release shall pay all court costs of such suits.

Sec. 3. This act shall take effect and be in force from and after its passage.

ELBERT L. LAMPSON,
Speaker of the House of Representatives.

WM. C. LYON,
President of the Senate.

Passed March 14, 1889.

And WHEREAS, By said act the state of Ohio allowed certain persons to quiet and perfect the title to their lands for a nominal sum; and

WHEREAS, Other persons in all respects in similar circumstances were compelled to pay large sums of money, for the same purpose; and

WHEREAS, It is just and right that the state of Ohio should treat all her citizens with equal justice and liberality; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all persons who were in possession of lands in the Virginia military district, under claim of title of any unpatented survey or part thereof, said lands having been occupied and improved by said persons in possession or those under whom they claim title for more than twenty-one years, and were compelled by suit or the fear thereof to pay the Ohio state university for said lands, are hereby authorized to present a statement of the amount of money so paid by them, together with all the facts relating to the lands held by them and their title thereto, to a board composed of the secretary of state, auditor of state and attorney-general, who are hereby authorized and empowered to examine such statements and call for and examine such other testimony as they see fit, and if, upon such examination, said board are satisfied that said persons are as justly entitled to relief as those persons were who have obtained relief under the provisions of the aforesaid act, then said board shall determine how much said party has wrongfully paid and issue an order to the auditor of the state, directing him to draw his warrant on the treasurer of the state for the said amount, in behalf of the person filing said statement.

Relief of persons who wrongfully paid for lands in Virginia military district.

SECTION 2. That there be and is hereby appropriated, out of any money in the state treasury accredited to the fund of the Ohio state university, the sum of twelve hundred and ninety-six (\$1,296) dollars to pay said warrants.

Appropriation for such relief.

SECTION 3. That persons filing such statements shall pay all the costs incurred in obtaining evidence.

Costs of obtaining evidence.

SECTION 4. Said board shall report all its proceedings to the general assembly.

Report to general assembly.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.
332G

[House Bill No. 1222.]

AN ACT

To amend section 761 of the Revised Statutes, as amended April 30, 1891 (88 O. L., 415).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 761 of the Revised Statutes of Ohio, as amended April 30, 1891, be amended so as to read as follows:

Boys' industrial school:

Power of gov-
ernor as to
juvenile
offenders.

Sec. 761. The governor may, upon the written application of the superintendent of the boys' industrial school, or when it otherwise is made to appear to him that it is expedient, cause any juvenile offender, confined in the penitentiary, or in any house of refuge, or sentenced to the penitentiary, to be transferred to the boys' industrial school, the expense of such removal to be paid by the state; and any person so removed from the penitentiary, or sentenced to the penitentiary, shall, while at the boys' industrial school, be governed by the same rules and regulations relative to deportment and discharge, as other persons committed to such institutions; and the governor may, for satisfactory reasons, remand or transfer to the penitentiary offenders sentenced thereto and so transferred to the boys' industrial school, to serve out that part of their respective sentences to the penitentiary remaining unexecuted at the time of their transfer to the boys' industrial school.

Repeals, etc.

SECTION 2. Section 761 of the Revised Statutes, as amended April 30, 1891, is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

* Passed April 21, 1893.

333G

[House Bill No. 1231.]

AN ACT

To limit the manufacture of knit and woollen goods in penal, reformatory and charitable institutions.

Manufacture of
knit and woollen
goods in penal,
reformatory and
charitable
institutions and
asylums.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any board of trustees or other board or authority having the control and management of any penal, reformatory or charitable institution or asylum, to contract with any person, firm or corporation for the manufacture of knit or woollen goods, or to establish any mill or manufactory for the manufacture of said goods by the inmates of any such institution; provided, however, that nothing herein shall be construed so as to prevent the board of trustees or other board or authority having the control and management of any penal, reformatory or charitable institution or asylum belonging to the state, from either contracting for or engaging in the manufacture of such goods solely for the use of the inmates of such institutions, nor to prevent any such board or authority of any such institution under the management of any municipality or county from contracting for or engaging in the manufacture of such goods solely for the use of such institution.

SECTION 2. The members of any such board of trustees or other board of authority who shall violate the provisions of section one of this act, shall be liable to a penalty of not less than five hundred dollars nor more than one thousand dollars, to be recovered in a civil action in the name of the state; and it is hereby made the duty of the attorney-general to institute proceedings for the recovery of such penalty and to prosecute the same to a final termination.

Penalty for violation of preceding section.

Duty of attorney-general

SECTION 3. The attorney-general shall be entitled to retain out of any penalties so collected ten per centum thereof for his services, and shall pay the balance thereof into the state treasury to the credit of the general revenue fund of the state.

Fees of attorney-general; disposition of balance of penalty.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.
334G

[House Bill No. 1258.]

AN ACT

To amend section 1282 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1282 of the Revised Statutes of Ohio be amended so as to read as follows:

Prosecuting attorney:

Sec. 1282. The prosecuting attorney shall, on or before the 1st day of September, annually (if so required by the attorney-general by written notice given on or before the 1st day of August, annually), transmit to the attorney-general a report of all crimes prosecuted by indictment or information in his county for the year ending the 1st of July, specifying, under the head of felonies, the number of persons convicted, the number of persons acquitted, the amount of costs incurred, the amount of costs collected from the defendants; and under the head of misdemeanors, the number of persons convicted, the number of persons acquitted, the amount of fines imposed, the amount of fines collected, the amount of costs incurred, the amount of costs collected, and such other information as the attorney-general may require; and the attorney-general may prepare and forward to the prosecuting attorney blanks and instructions for such annual reports. The prosecuting attorneys shall also, whenever requested by the attorney-general, furnish the latest information he may require in the execution of his office.

Annual report to attorney-general; information to be furnished such officer.

Repeals, etc.

SECTION 2. Original section 1282 is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.
335G

[House Bill No. 1260.]

AN ACT

To amend section 5779 of the Revised Statutes of Ohio.

Real actions:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5779 of the Revised Statutes of Ohio be amended so as to read as follows:

Action to quiet title.

Sec. 5779. An action may be brought by a person in possession, by himself or tenant, of real property, against any person who claims an estate or interest therein, adverse to him, for the purpose of determining such adverse estate or interest; or such action may be brought by a person out of possession, having or claiming to have an estate or interest in remainder or reversion in real property, against any person who claims to have an estate or interest therein, adverse to him, for the purpose of determining the interests of the parties therein.

Repeals.

SECTION 2. That the original section 5779 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.
336G

[House Bill No. 1352.]

AN ACT

To amend section 2837 of the Revised Statutes.

Township and municipal bonds:

Submission of question to voters.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2837 of the Revised Statute be amended so as to read as follows:

Sec. 2837. Before any bonds are issued or tax levied as provided in the next two preceding sections, the question of issuing the bonds shall be submitted to the voters of the township or municipal corporation at a general c

special election, and thirty days' notice of the submission shall be given in one or more newspapers printed therein once a week for four consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding the election; and if no newspaper is printed therein the notice shall be posted in a conspicuous place and published once a week for four consecutive weeks in some newspaper of general circulation in the township or municipal corporation; and if two-thirds of the voters voting at such election upon the question of issuing the bonds vote in favor thereof, then and not otherwise, the bonds shall be issued and the tax levied. Those who vote in favor of the proposition shall have written or printed on their ballots "For the issue of bonds;" and those who vote against the same shall have written or printed on their ballots the words "Against the issue of bonds."

SECTION 2. That said original section 2837 of the Re- **Repealed.**
vised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.

337G

[House Bill No. 1588.]

AN ACT

To require the destruction of certain illegal and invalid township bonds issued for railroad purposes, now on deposit in the state treasury.

WHEREAS, There is now in the state treasury the fol- **Preamble.**
lowing bonds, issued under the act of April 23, 1872 (69 O. L., 85), by the townships named, for the purpose of aiding in the building of railroads, to wit: Bonds of Spencer township, Allen county, Ohio, \$12,500.00; bonds of Cambridge township, Guernsey county, Ohio, \$39,000.00; bonds of Upper township, Lawrence county, Ohio, \$130,000.00; bonds of Marion township, Marion county, Ohio, \$135,000.00; bonds of Adams township, Washington county, Ohio, \$24,000.00; and

WHEREAS, The act under which these bonds were issued has been declared by the supreme court unconstitutional and void; and the bonds are invalid and illegal and no steps have been taken to negotiate or dispose of the same by the townships issuing them; and the time when the bonds, if they had been negotiated, would mature has expired, and they are utterly valueless and worthless, and should be canceled and destroyed: therefore,

Cancelation and
destruction of
certain invalid
and ill paid
township bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the treasurer of state, taking to his assistance the auditor of state and attorney-general, shall, within ten days after the passage of this act, cancel and destroy the said bonds by burning. A certificate of such cancelation and destruction, signed by the officers named, shall be entered on the record or register of such bonds, if there be one, in the treasury department, and filed in the said treasury, and a like certificate deposited with the auditor of state, and also a copy forwarded by the treasurer of state to the trustees of the townships issuing the bonds, to be preserved by them.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 21, 1893.
338G

[House Bill No. 247.]

AN ACT

To supplement section 2502 of the Revised Statutes.

Street railroads:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2502 of the Revised Statutes, as amended April 24, 1891, be and the same is hereby supplemented as follows:.

Release from
obligations or
liabilities im-
posed by terms
of grant or re-
newal.

Sec. 2502a. That the release prohibited by section 2502 of the Revised Statutes may be given or made, except as to paving and repairing streets, whenever it involves a change of motive power from animal power to cable or electric power or other means for rapid transit or an additional obligation to pave or repair and keep in repair the streets along the line of railway or portion thereof; and in every such case such release may be made on such reasonable terms, including such extension of time as now authorized by law, as may be prescribed by ordinance, and any release or change or extension of time of any grant heretofore made involving any such change of motive power or additional obligation to pave or repair and keep in repair as aforesaid, shall be as valid and binding as if such change or obligation had been made under this act, and this shall apply to action and causes of action mentioned in section 79 of the Revised Statutes; provided however there shall not be any change made in the percentage on gross earnings and car license fee that may be required to be paid on such street railway route or routes or any portions of the same or on any extension

such route or routes; and whenever any rapid transit street railway route operated by cable or electric power has been, or shall be extended over the tracks of another route belonging to the same company, corporation, individual or individuals, upon which the cars are operated by horse power, the company, corporation, individual or individuals owning and operating such horse power route shall be no longer required or allowed, except to make necessary connections, to operate the same, and the right to operate horse cars over such route, or such portions of the same as a rapid transit route has been or may be extended over, shall be regarded as surrendered and abandoned by the acceptance of such extension; and provided further, that any ordinance or resolution relating to a street railroad, passed or adopted by the legislative or other municipal authorities of any municipal corporation of this state by improperly suspending the rules requiring the same to be read on three different days, or by improperly putting the same on its passage with one or more other ordinances or resolutions instead of taking a separate vote on the same, shall nevertheless be valid, and this also shall apply to actions and causes of actions named in section 79 of the Revised Statutes.

Extension of
rapid transit
over horse
power route.

Validity of ordi-
nances or reso-
lutions improv-
erly passed or
adopted.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 21, 1893.

342G

[House Bill No. 1351.]

AN ACT

To amend section 2835 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2835 of the Revised Statutes be amended so as to read as follows:

Sec. 2835. The trustees of any township or hamlet or the council of any municipal corporation may issue and sell their bonds, in amount and denominations such as they may deem necessary for the special purpose in view, whenever it is desired by the voters of such township or municipal corporation to make any of the following improvements or to provide for any of the following public purposes:

Township and
municipal
bonds:

Purposes for
which town-
ships and mu-
nicipalities may
issue and sell
their bonds;
amount and
denominations.

1. For procuring the real estate and right of way for any improvement authorized by this section.

2. For extending, enlarging, improving, repairing or curing a more complete enjoyment of any building or improvement authorized by this section, and for equipping,

furnishing, maintaining, administering and operating the same.

3. For sanitary and street cleaning purposes, and for erecting a crematory or providing other means for disposing of garbage and refuse matter.

4. For improving highways leading into the township or corporation, or for building or improving a turnpike, or for purchasing one or more turnpike roads and making the same free.

5. For constructing wharves and landings on navigable waters.

6. For constructing levees and embankments, and for improving any watercourse passing through the township or corporation.

7. For constructing bridges and culverts.

8. For erecting infirmaries and providing for the support of the dependent poor.

9. For erecting workhouses, prisons and police stations.

10. For erecting houses of refuge and correction.

11. For erecting market-houses and providing market-places.

12. For erecting hospitals and pest-houses.

13. For erecting halls and public offices.

14. For maintaining a fire-department, erecting buildings therefor, purchasing fire-engines, fire-boats and apparatus, and constructing reservoirs.

15. For erecting or purchasing water-works and supplying water to the township or corporation and the inhabitants thereof.

16. For erecting or purchasing gas-works and electric light works, and for supplying light to the township or corporation and the inhabitants thereof.

17. For providing grounds for cemeteries and for park purposes, for inclosing and embellishing the same, and for erecting vaults.

18. For constructing sewers, drains and ditches.

19. For maintaining a free public library and reading-room.

20. For constructing, erecting or providing any public work, building or improvements not hereinbefore mentioned, and for which a tax may constitutionally be levied.

Powers otherwise conferred.

Interest and sale.

Repealed.

Nothing herein contained shall be construed as limiting or restricting any power to issue bonds for any of the purposes named in this section otherwise conferred by law; but no bonds issued for any of the above named purposes and in accordance with the provisions of this section, shall bear a higher rate of interest than six per centum per annum, payable semi-annually, or be sold for less than their par value.

SECTION 2. That said original section 2835 of the Revised Statutes be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 21, 1898.
344G

[House Bill No. 1817.]

AN ACT

To amend section 1 of an act entitled "An act to incorporate the evangelical Lutheran synod of Ohio and adjacent states," passed March 23, 1849 (session laws of Ohio, vol. 47, p. 282).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1 of an act entitled "An act to incorporate the evangelical Lutheran synod of Ohio and adjacent states," passed March 23, 1849 (session laws of Ohio, vol. 47, p. 282), be, and the same is hereby amended so as to read as follows:

Corporations:

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That Jonas Mechling, Frederick C. Becker, Christian Spielmann and James Manning, and their associates, an organized synod, composed of ministers of the evangelical Lutheran church and lay delegates, representing the said congregations connected with said synod be, and they are, for the purpose of promoting and disseminating the religious doctrines and principles of their said church, hereby created a body corporate and politic, by the name of "the evangelical Lutheran synod of Ohio and adjacent states," and as such shall continue and have perpetual succession; and by said corporate name shall be legally capable of contracting and of prosecuting and defending suits both at law and in chancery, and of acquiring property, real and personal, and mixed, or either of them, either by purchase, gift, devise, grant or legacy, and of holding, enjoying and disposing of the same, and also of all property of which the said synod is now the legal and rightful owner; provided, that the annual income thereof shall not exceed one hundred thousand dollars.

Evangelical Lutheran synod of Ohio and adjacent states.

SECTION 2. That the said original section 1 of said act passed March 23, 1849, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 22, 1898.
350G

[House Bill No. 1402.]

AN ACT

Making appropriations for the Ohio state university.

Appropriation
for Ohio state
university.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and hereby is appropriated from any money raised or coming into the state treasury to the credit of the "Ohio state university fund," not otherwise appropriated, the sum of eighty-five thousand (\$85,000.00) dollars, or so much as may come into the treasury to the credit of said fund, to be applied to the uses and purposes of the Ohio state university, in accordance with the provisions of section 3651 of the Revised Statutes, as amended March 20, 1891 (88 O. L., page 159).

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 22, 1893.
351G

[House Bill No. 1576.]

AN ACT

To amend section 6860 of the Revised Statutes of Ohio.

Offenses against
property:Penalty for
stealing illumi-
nating gas.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6860 of the Revised Statutes of the state of Ohio be and it is hereby amended so as to read as follows:

Sec. 6860. Whoever, with intent to defraud, makes any pipe, tube or other instrument or contrivance, or connects the same with any main service-pipe or other pipe, for conducting or supplying illuminating gas, in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice by or at which illuminating gas is consumed, around or without passing through the meter provided for measuring and registering the quantity of gas there consumed, or with intent to defraud, uses, or causes any other person to use, illuminating gas of any gas company in this state, without its consent, shall be fined not more than two hundred and fifty dollars or imprisoned not more than thirty days, or both, in the discretion of the court.

Repeals.

SECTION 2. That said original section 6860 of the Revised Statutes of Ohio be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 22, 1893.
352G

[House Bill No. 1822.]

AN ACT

To change the name of Frank Weissenburger to Frank Wisberg.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of Frank Weissenburger, of Hamilton county, Ohio, be and the same hereby is changed to Frank Wisberg. Changing name of Frank Weissenburger.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 22, 1893.
353G

[House Bill No. 278.]

AN ACT

To amend section 2781 of the Revised Statutes of Ohio, as amended April 14, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2781 of the Revised Statutes of Ohio, as amended April 14, 1886, be amended so as to read as follows: Listing personal property:

Sec. 2781. If any person whose duty it is to list property or make a return thereof for taxation, either to the assessor or county auditor, shall in any year or years make a false return or statement, or shall evade making a return or statement, the county auditor shall for each year, ascertain as near as practicable, the true amount of personal property, moneys, credits and investments that such persons ought to have returned or listed for not exceeding the five years next prior to the year in which the inquiries and corrections provided for in this and the next section are made; and to the amount so ascertained as omitted, for each year he shall add fifty per centum, multiply the omitted sum or sums, and [as] increased by said penalty by the rate of taxation belonging to said year or years, and Action of auditor upon false return or evasion of return.

accordingly enter the same on the tax lists in his office, giving a certificate therefor to the county treasurer who shall collect the same as other taxes.

Repeals, etc.

SECTION 2. That said section 2781 of the Revised Statutes, as amended April 14, 1886, be and the same is hereby repealed; and this act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 24, 1893.

357G

[House Bill No. 547.]

AN ACT

To repeal section 475b of the Revised Statutes of Ohio.

Repeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 475b of the Revised Statutes be and the same is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 24, 1893.

358G

[House Bill No. 1074.]

AN ACT

To amend section 5250 of the Revised Statutes of Ohio, as amended February 18, 1891.

Means of securing attendance:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 5250 of the Revised Statutes, as amended February 18, 1891, be so amended as to read as follows:

Compulsory attendance of witnesses.

Sec. 5250. A witness shall not be compelled to go out of the county where he resides, or is subpoenaed, except to an adjoining county, to testify in the trial of a civil case, except where cases have been removed from the county in which such witness resides by change of venue; providing, however, no witness shall be required to go out of the county in which he resides or is subpoenaed to so testify, in the trial of a civil case, unless the party subpoenaing him shall upon demand, pay him at the time he is subpoenaed, his regular mileage and per diem fees under pro-

visions of law. Also, except where such witness is the official custodian of any paper or document necessary to be produced in the trial as evidence in any cause, which paper or document can not lawfully be attached as an exhibit to a deposition; in such last case the judge of the court in which such cause is pending, upon being satisfied of the necessity thereof, may by his order to that effect compel a witness from another county to bring such paper or document into his court to be used as evidence in such case. Provided, that any person subpoenaed to any other county as the official custodian, may demand the legal fees for attendance and mileage as in other cases, and that he need not attend unless such fees are paid. Nothing herein contained shall be construed to prevent the taking and use of depositions in cases of change of venue under the law, but no person shall be compelled to go out of his county to have his deposition taken.

SECTION 2. That said section 5250, as amended February 18, 1891, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 24, 1893.
359G

[House Bill No. 1172.]

AN ACT

To tax the business of trafficking in cigarettes or cigarette wrappers.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That upon the wholesale business of trafficking in cigarettes or cigarette wrappers, or any substitute for either, there shall be assessed annually, and shall be paid into the county treasury as hereinafter provided, by each person, firm, company, corporation or copartnership engaged therein, for each place where such business is carried on by or for such person, firm, company, corporation or copartnership, the sum of three hundred (\$300.00) dollars. Annual tax upon wholesale business of trafficking in cigarettes or cigarette wrappers, or substitutes for either.

SECTION 2. That upon the retail business of trafficking in cigarettes or cigarette wrappers, or any substitute for either, there shall be assessed annually, and shall be paid into the county treasury as hereinafter provided, by each person, firm, company, corporation or copartnership engaged therein, for each place where such business is carried on by or for such person, firm, company, corporation or copartnership, the sum of one hundred (\$100.00) dollars. Annual tax upon retail business.

Times for payment of tax.

Tax for part of year.

Refunding order.

Assessors' returns.

Penalty.

Display of receipt for tax.

Penalty for non-compliance.

SECTION 3. That said assessments provided for in sections 1 and 2 of this act shall be paid at the times provided by law for the payment of taxes on real or personal property within this state, to wit: One-half on or before the 20th day of June, and one-half on or before the 20th day of December of each year; provided, that when any such business shall be commenced in any year after the fourth Monday of May, said assessment shall be proportionate in amount to the remainder of the assessment year, except that it shall in no case be less than one-fourth of the whole amount to be assessed in any one year; provided; further, that whenever any person, firm, company, corporation or copartnership engaged in such business, which has been assessed as aforesaid, and which has been paid or is charged upon the tax duplicate with the full amount of said assessment, discontinues such business, the county auditor, upon being satisfied of that fact, shall issue to such person, firm, company, corporation or copartnership, a refunding order for a proportionate amount of such assessment, except that it shall in no case be less than one-fifth of the whole amount to be assessed in any one year.

SECTION 4. That every assessor shall return to the county auditor, with his other returns, a statement, upon a blank to be furnished by such auditor for that purpose, of every place in his jurisdiction where such business is conducted, showing the name of the person, firm, company, corporation or copartnership engaged therein, a brief and accurate description of the premises where the same is conducted, and by whom owned; said statement shall be signed and verified to such assessor by such person, firm, company, corporation or copartnership. If such person, firm, company, corporation or copartnership shall, on demand, refuse or fail to furnish the requisite information for such statement, or sign or verify the same, such fact shall be returned by the assessor, and thereupon such assessment on such business shall be double the amount provided in section 1 or 2, as the case may be.

SECTION 5. Every person, firm, company, corporation or copartnership engaged in the business of trafficking in cigarettes or cigarette wrappers, or any substitute for either, shall cause to be posted and constantly displayed in a conspicuous place in the building or buildings where such business is carried on, a receipt signed by the county treasurer, showing that the amount of the assessment required by the provisions of this act has been paid into the treasury of the county where such business is located.

SECTION 6. That any person, firm, company, corporation, or copartnership, selling or offering to sell cigarettes or cigarette wrappers, or any substitute for either, without first complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for the first offense, be fined in any sum not less than one hundred (\$100.00) dollars nor more than

three hundred (\$300.00) dollars, and for each subsequent offense shall be fined not less than three hundred (\$300.00) dollars nor more than five hundred (\$500.00) dollars, and shall stand committed to the jail of the county until such fines and costs are paid.

SECTION 7. That the revenues and fines resulting under the provisions of this act shall be distributed as follows, to wit: In every county one-half of the money paid into the county treasury, as herein provided, on account of any business aforesaid carried on in any city, village, hamlet or township therein, shall be placed to the credit of the general revenue fund of the state, and be paid into the state treasury by the county treasurers, as is provided in other cases; the remaining one-half part thereof, together with all other revenues resulting hereunder in such county, shall be passed to the credit of the general fund of such county.

Distribution of
tax and penal-
ties.

SECTION 8. That the provisions of sections 8092—11, 8092—13 and 8092—14 of the Revised Statutes of Ohio are hereby extended and made applicable to the provisions of this act, so far as they can apply, and this act shall take effect and be in force on and after the 1st day of August, 1893.

Provisions of
certain sections
made applica-
ble etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 24, 1893.
360G

[House Bill No. 1209.]

AN ACT

To amend "An act to regulate the employment of the inmates of the penitentiaries, reformatories and workhouses in the state of Ohio," passed April 16, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to regulate the employment of the inmates of the penitentiaries, reformatories and workhouses in the state of Ohio," passed April 16, 1892 (89 O. L. 346), be amended so as to read as follows:

Penal and re-
formatory insti-
tutions:

Sec. 1. That on and after the first day of May, 1894, the total number of prisoners and inmates employed at one time in the penitentiaries, workhouses and reformatories in this state in the manufacture of any one kind of goods which are manufactured in this state outside of said penitentiaries, workhouses and reformatories, shall not exceed ten per centum of the number of all persons in this state outside of said penitentiaries, workhouses and reformatories employed in manufacturing the same kind of goods, as shown by the last federal census or state enumeration, or by

Limitation as to
employment of
prisoners and
inmates of pen-
itentiaries, re-
formatories and
workhouses in
manufacture of
certain goods.

Enforcement of
provisions relating to such employment.

the annual or any special report of the commissioner of labor statistics of this state, except in industries in which not more than fifty free laborers are employed.

Sec. 2. It is hereby made the duty of the commissioner of labor statistics and the attorney-general to enforce the provisions of this act; and immediately after the passage of this act, and thereafter when, upon complaint or otherwise the commissioner of labor statistics has reason to believe that the limitations of this act are being exceeded in the employment of prison labor in any industry or industries, he may, if he deem it advisable, investigate and ascertain the number of all persons in this state outside of the penitentiaries, workhouses and reformatories employed in manufacturing the kind or kinds of goods in question, and also the number of prisoners and inmates employed in each penitentiary, workhouse and reformatory in the manufacture of such product or products. The result of such investigation shall be printed in a special report, in which shall be stated, in connection with the number of prisoners and inmates employed in each penitentiary, workhouse, and reformatory in the manufacture of any kind of goods, the number of which may legally be so employed therein. A copy of such report shall be forwarded to the managers or directors of each institution found therein to be employing more prisoners in any industry than is permitted by this act and thereupon it shall be the duty of such managers or directors immediately on and after May first, 1894, to reduce the number of prisoners and inmates in the industry in question to or within the number permitted by this act to be so employed, any provision in any contract relating to the employment of such inmates or prisoners to the contrary notwithstanding. The report made by the commissioner of labor statistics shall control and limit the number of prisoners and inmates which may be employed in each penitentiary, workhouse and reformatory, in the industry or industries involved until another report based upon a later investigation and report shall be made. Special reports under this section shall be made at intervals of not exceeding five years, or oftener if deemed advisable by the commissioner of labor statistics. At any time the commissioner of labor statistics, on being satisfied that this act is being violated by the managers or directors of any penal institution, shall advise the attorney-general of that fact, giving the information in support of his conclusions, and the attorney-general shall at once institute the proper legal proceedings to compel compliance with this act.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 24, 1893.

361G

[House Bill No. 1299.]

AN ACT

To amend section 1354 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 1354 of the Revised Statutes of the state of Ohio be and the same is hereby amended so as to read as follows:

Fees and costs
(Hamilton
county):

Sec. 1354. Nothing herein shall be construed as changing the existing laws of the state relating to the appointment and approval of any deputy, clerk, bookkeeper or other assistant of any officers, except as to limiting the number and compensation of each as provided herein; provided, however, that the board of county commissioners of any county of this state containing a city of the first grade, first class, or a majority of such board, shall have full and final power to contract with some proper person to ascertain and furnish to the clerk of the court of common pleas, and to the clerk of the superior court, if there be such court in such county, the amounts and items of fees and costs which have been omitted from being taxed and collected in any cause or causes which may have been begun in said courts; and upon report of any such item or items by such person so employed to said clerk, the said clerk shall, immediately upon receipt of such report or reports, enter, tax and collect said costs or fees, and return, account for and pay over the same, as other fees or costs, separate accounts of which shall be kept. No payment on account of such services shall be made to such person so employed, except in accordance with the terms of an agreement between said board of commissioners and said person, which compensation shall be a portion of such costs, not exceeding twenty-five per centum thereof; such payments to be made by the county treasurer upon order of the county commissioners and the warrant of the county auditor, and only out of money actually paid into the county treasury as costs or fees, which had been theretofore so reported as omitted to be taxed and collected. Any clerk who shall wilfully refuse to tax and collect any fees or costs so reported to him, and any clerk or other official or employe of said courts or county who shall wilfully omit to tax any fees or costs for the purpose of wrongfully increasing the number or amounts of such omissions, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be sentenced to pay and shall be required to pay a fine not exceeding one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or both, at the discretion of the court; and it is hereby made the duty of the prosecuting attorney of the county to enforce the provisions of this section.

Laws not
changed by this
chapter.

Collection of
omitted court
fees and costs.

SECTION 2. That original section 1354 of the Revised Statutes be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 24, 1893.
362G

[House Bill No. 1473.]

AN ACT

Making appropriations for the last three quarters of the fiscal year ending November 15, 1893, and the first quarter of the fiscal year 1894.

General appro-
priations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, for uses and purposes hereinafter specified, to wit:

Adjutant-General's Department.

Contingent expenses, fifteen hundred dollars (\$1,500).

Transportation of indigent soldiers, one hundred dollars (\$100).

Care of military stores and freight on arms, one thousand four hundred dollars (\$1,400).

Publishing roster of Ohio troops, seven thousand eight hundred dollars (\$7,800).

Shipping rosters, six hundred dollars (\$600).

Salary of roster clerks, ten thousand eight hundred dollars (\$10,800).

Salary of two firemen, three hundred dollars (\$300).

Salary of regular laborers, one thousand eight hundred dollars (\$1,800).

Extra labor, five hundred dollars (\$500).

Material and repairs, five hundred dollars (\$500).

Fuel for state-house, one thousand dollars (\$1,000).

Water rent, six hundred and sixty-five dollars (\$665).

Care and repair of heating apparatus, thirteen hundred dollars (\$1,300).

Electric light, ten thousand six hundred dollars (\$10,600).

For completion of walks around state-house, ten thousand dollars (\$10,000).

For clock in rotunda, fifty dollars (\$50).

Ohio National Guard.

Pay O. N. G. in camp, forty thousand dollars (\$40,000).

Subsistence O. N. G., fourteen thousand four hundred dollars (\$14,400).

Fuel O. N. G., four thousand dollars (\$4,000).

Transportation of O. N. G., thirteen thousand dollars (\$13,000).

Horse hire for batteries, two thousand five hundred dollars (\$2,500). General appropriations.

Forage for horses, six hundred dollars (\$600).

Incidental expenses of military companies, fourteen thousand three hundred dollars (\$14,300).

Uniforms, overcoats and blankets, thirteen thousand dollars (\$13,000).

New tents and repairs, five hundred dollars (\$500).

Ohio State Board of Agriculture.

Encouragement of agriculture, five thousand dollars (\$5,000).

Contingent expenses, five hundred dollars (\$500).

Weather and crop service, one thousand three hundred dollars (\$1,300).

Ohio Agricultural Experiment Station.

Substation for field experiments, one thousand dollars (\$1,000).

Live stock, four thousand three hundred and fifty dollars (\$4,350).

Implements and farming machinery, one thousand seven hundred and ninety-four dollars (\$1,794).

Supplies, four hundred and fifty-six dollars (\$456).

Special work in entomology, four hundred dollars (\$400).

Fees of architect, one thousand dollars (\$1,000).

Expenses of board of control, five hundred dollars (\$500).

Ohio Archæological and Historical Society.

For said society, including care of Fort Ancient, one thousand seven hundred dollars (\$1,700).

Reprinting vols. 1 and 2 from plates, 1,000 copies each, one thousand dollars (\$1,000).

Fish and Game Commission.

Expense commission, propagation and transportation, six thousand three hundred and seventy-nine dollars (\$6,379).

Attorney-General.

Extra clerk hire, two hundred dollars (\$200).

Contingent expenses, four hundred and seventy-five dollars (\$475).

Fees on collections, one thousand dollars (\$1,000).

Books and furniture, two hundred and fifty dollars (\$250).

Exchange of type-writer, forty dollars (\$40).

Auditor of State.

Contingent expenses, one thousand dollars (\$1,000).

Extra clerk hire, eight hundred dollars (\$800).

Board of State Charities.

Expenses of board of state charities, four thousand dollars (\$4,000).

State Board of Health.

Expenses of board of health, eight thousand dollars (\$8,000).

Board of Public Works.

General appropriations.

Miami and Erie canal, keeping in repair and improvement of, all of its earnings and its balances, except as below appropriated.

Northern division of Ohio canal, keeping in repair and improvement of, all of its earnings except as below appropriated, its balances and twenty thousand dollars (\$20,000).

Southern division Ohio canal, keeping in repair and improvements of, all of its earnings except as below appropriated, its balances and twenty-five thousand dollars; provided, that twenty-five hundred of the amount so appropriated may be used for the Hocking canal, twenty-five thousand dollars (\$25,000).

Walhonding canal, all of its earnings and balances.

Hocking canal, all of its earnings and balances.

Contingent expenses, three hundred dollars (\$300).

Attorney's fees to be paid out of the earnings of canal for which services are rendered, two thousand five hundred dollars (\$2,500).

Members' traveling expenses for each, six hundred dollars (\$600), paid according to law equally out of the earnings of each division, one thousand eight hundred dollars (\$1,800).

Salary of secretary, one thousand two hundred and ninety-five dollars (\$1,295).

Clerk hire, five hundred and ninety-six dollars (\$596).

Canal Commission.

Expenses of canal commission, ten thousand nine hundred and fifty dollars (\$10,950).

Salary of members, two thousand one hundred and forty-five dollars (\$2,145).

Attorney's fees for recovering state property, two thousand dollars (\$2,000).

Gottschall & Brown, for legal services, one hundred dollars (\$100).

Live Stock Commission.

Expenses of live stock commission, three thousand dollars (\$3,000).

Ohio Dairy and Food Commissioner.

Expenses of chief commissioner, six hundred dollars (\$600).

Expenses of assistant commissioners, one thousand two hundred and fifty dollars (\$1,250).

Expenses of prosecution, inspections and publications of results of analyses, seventeen thousand dollars (\$17,000).

State Commissioner of Common Schools.

Traveling expenses of commissioner, five hundred and fifty dollars (\$550).

Contingent expenses, five hundred dollars (\$500).

Packing and shipping reports, one hundred and fifty dollars (\$150).

Stenographer, two hundred dollars (\$200).

Board of school examiners, six hundred and fifty dollars (\$650). General appropriations.

For furniture and painting, one hundred dollars (\$100).

Type-writer, forty-five dollars (\$45).

Commissioner of Railroads and Telegraphs.

Experts to examine bridges, one thousand dollars (\$1,000).

Furniture, painting and repairs, one hundred and fifty dollars (\$150).

Outside expenses, three hundred dollars (\$300).

Contingent expenses, seven hundred and twenty-five dollars (\$725).

For blanks for making reports, two hundred and seventy dollars (\$270).

Bureau of Labor Statistics.

Traveling expenses, three hundred and fifty dollars (\$350).

Clerk hire, two thousand three hundred dollars (\$2,300).

Contingent expenses, six thousand four hundred dollars (\$6,400).

Commissioners of Public Printing.

Printing paper, nineteen thousand dollars (\$19,000).

Paper for the hundred year book, nine hundred dollars (\$900).

State Forestry Bureau.

State forestry bureau, one thousand dollars (\$1,000).

Governor's Office.

Contingent expenses, two thousand dollars (\$2,000).

State Horticultural Society.

State horticultural society, expenses, one thousand two hundred dollars (\$1,200).

Chief Inspector of Mines.

Contingent expenses, four thousand six hundred dollars (\$4,600).

Clerk hire, eight hundred and fifty dollars (\$850).

Attorney's fees, one hundred dollars (\$100).

Department of Inspector of Workshops and Factories.

Salary of chief clerk, seven hundred dollars (\$700).

Recording clerk, nine hundred dollars (\$900).

Order clerk, seven hundred and twenty dollars (\$720).

Stenographer, six hundred dollars (\$600).

Traveling expenses of chief inspector, one thousand dollars (\$1,000).

Traveling expenses of district inspectors, six thousand eight hundred dollars (\$6,800).

Contingent expenses, one thousand one hundred dollars (\$1,100).

Furniture and repairs, one hundred dollars (\$100).

Scientific and mechanical appliances, five hundred dollars (\$500).

Attorney's fees, five hundred dollars (\$500).

*Law Library.***General appropriations.**

Salary of assistant law librarian, two hundred dollars (\$200).

Contingent fund, furniture and shelving, four hundred dollars (\$400).

Books and catalogues, two thousand three hundred dollars (\$2,300).

Legislature.

For Frederick Blenkner, third assistant sergeant-at-arms of the house, for taking charge of the senate chamber and hall of the house and committee rooms after the adjournment of the general assembly in the spring of 1893, and taking care of the same until the meeting of the general assembly in January, 1894, and preparing same for said meeting, and for taking care of the bill books and other property of the members, as requested by them, one thousand dollars (\$1,000), to be paid to him at the rate of four dollars per day on the warrant of the auditor of state. For an assistant for said Frederick Blenkner in the performance of the foregoing duties, at the rate of two dollars per day, when by him necessarily employed, four hundred dollars (\$400), to be paid to said assistant on the warrant of the auditor of state, one thousand four hundred dollars (\$1,400).

Contingent expenses of the clerk of senate, one hundred and fifty dollars (\$150).

Contingent expenses of clerk of the house, one hundred and fifty dollars (\$150).

For chief clerks of the senate and house of representatives, one thousand dollars each (\$1,000), for completing the record of the journals of the senate and house of representatives for the present session. The money thus appropriated to be paid at the rate of five dollars per day, as the work of completing said record progresses, but the full amount shall not be paid until the work is fully completed; and the auditor of state is hereby authorized to draw his warrant from time to time on the treasurer of state in favor of said clerks, upon the presentation by them of proper vouchers, duly certified by said clerks, to be credited for said sum as may be therein designated, until the aforesaid sum of one thousand dollars to each shall be fully paid, two thousand dollars (\$2,000).

For salaries and mileage of members of the general assembly, per diem of clerks, sergeants-at-arms and employes while the general assembly is in session, and the payment of the clerks of the house and senate after adjournment, as provided in sections 39, 43 and 45 of the Revised Statutes, twenty thousand dollars (\$20,000).

Senate contingent fund, three thousand dollars (\$3,000).

House contingent fund, three thousand nine hundred dollars (\$3,900).

For repairing roof of state-house, plastering, painting and repairing hall of house of representatives and senate chamber, to be done under the supervision of the third

assistant sergeant-at-arms of the house, fifteen hundred dollars (\$1,500).

General appropriations.

Prosecution and Transportation.

Prosecution and transportation of convicts, one hundred thousand dollars (\$100,000).

Secretary of State.

Salary of assistant statistical clerk, one thousand three hundred and fifty dollars (\$1,350).

Salary of proof-reading clerk, one thousand three hundred and fifty dollars (\$1,350).

Salary of stenographer and assistant corporation clerk, five hundred and fifty dollars (\$550).

Extra clerk hire, three hundred dollars (\$300).

Contingent expenses, nine hundred dollars (\$900).

Distribution of books, two thousand three hundred dollars (\$2,300).

Furniture and repairs, fifty dollars (\$50).

Stationery, six thousand dollars (\$6,000).

Ohio State Library.

Books, newspapers and periodicals, one thousand six hundred dollars (\$1,600).

Contingent expenses, one thousand dollars (\$1,000).

Repairs and furniture, six hundred dollars (\$600).

State Insurance Department.

Contingent expenses, one thousand six hundred dollars (\$1,600).

Bureau of Building and Loan Associations.

Salary of extra clerks, four hundred and fifty dollars (\$450).

Contingent expenses, three hundred and seventy-five dollars (\$375).

Supervisor of Public Printing.

State printing, forty-two thousand three hundred and fifty dollars (\$42,350).

State binding, twenty-eight thousand eight hundred dollars (\$28,800).

Supreme Court.

Contingent fund, furniture and repairs, two hundred dollars (\$200).

Assistants for second division, one thousand dollars (\$1,000).

Clerk of the Supreme Court.

Extra clerk hire, three hundred dollars (\$300).

Contingent expenses, four hundred dollars (\$400).

File cases, fifty dollars (\$50).

Supreme Court Reporter.

Salary of reporter, five hundred dollars (\$500).

Contingent expenses, three hundred dollars (\$300).

General appropriations.

Ohio Penitentiary.

Salary of officers, fifteen thousand dollars (\$15,000).
 Salary of guards, fifty-nine thousand and thirteen dollars (\$59,013).
 Current expenses, one hundred and ten thousand dollars (\$110,000).
 Manufacture of gas, fourteen thousand dollars (\$14,000).
 Rewards to convicts, thirteen thousand eight hundred and eighty-seven dollars (\$13,887).
 Repairs, ten thousand dollars (\$10,000).
 Expense of executions, one thousand eight hundred dollars (\$1,800).
 Carpets and furniture, three hundred dollars (\$300).
 Improvement of lights, seven hundred and nine dollars (\$709).
 Library, four hundred dollars (\$400).
 Moral and religious instruction, two hundred and fifty dollars (\$250).
 Sewerage and water-works, two thousand three hundred and sixty-seven dollars (\$2,367).
 Fire protection, two hundred and ten dollars (\$210).

State Treasury Department.

Salary of cashier, four hundred dollars (\$400).
 Salary of two bookkeepers, three hundred dollars (\$300).
 Salary of two night-watchmen, two hundred dollars (\$200).
 Contingent expenses, four hundred dollars (\$400).
 Collecting auditor of state's drafts, one thousand five hundred dollars (\$1,500).
 Rent of telephone and fire-alarm, eighty-six dollars (\$86).

Miami University.

For the uses and purposes of Miami university, fifteen thousand four hundred dollars (\$15,400).

Ohio University.

For the uses and purposes of the Ohio University, twelve thousand seven hundred and fifty dollars (\$12,750).

Wilberforce University.

For completing, equipping, aiding and maintaining new normal and industrial building and department, twelve thousand five hundred dollars (\$12,500).

Athens Asylum for the Insane.

Current expenses, seventy-nine thousand dollars (\$79,000).
 Ordinary repairs, five thousand five hundred dollars (\$5,500).
 Expenses of trustees, seven hundred dollars (\$700).
 Furniture and carpets, fifteen hundred dollars (\$1,500).
 Library, books and pictures, three hundred dollars (\$300).
 Painting, one thousand dollars (\$1,000).

Grading and repairing of pike road, eight hundred dollars (\$800). General appropriations.

New boilers, and additions and repairs to boilers and boiler-house, three thousand dollars (\$3,000).

Hose for fire protection, five hundred dollars (\$500).

New hot water heaters and pipe, one thousand dollars (\$1,000).

Ceilings for room and corridors, five hundred dollars (\$500).

New kitchen and laundry apparatus, one thousand dollars (\$1,000).

For purchasing land, fifteen hundred dollars (\$1,500).

Cleveland Asylum for the Insane.

Current expenses, ninety-five thousand dollars, provided that any balance in the fund appropriated for furnishing cottages, in partial appropriation bill, be transferred to current expense fund (\$95,000).

Ordinary repairs, four thousand dollars (\$4,000).

Trustees' expenses and salary of secretary, six hundred dollars (\$600).

Carpets, one thousand dollars (\$1,000).

Painting, eight hundred dollars (\$800).

Books and pictures, two hundred dollars (\$200).

Grading, three hundred dollars (\$300).

Electric light, twelve thousand dollars (\$12,000).

Columbus Asylum for the Insane.

Current expenses, one hundred and thirty thousand dollars (\$130,000).

Ordinary repairs, six thousand dollars (\$6,000).

Trustees' expenses and salary of secretary, five hundred dollars (\$500).

Grading, five hundred dollars (\$500).

Carpets, furniture and bedding, two thousand five hundred dollars (\$2,500).

Painting, one thousand five hundred dollars (\$1,500).

Books and pictures, two hundred dollars (\$200).

Kitchen and laundry apparatus, six hundred dollars (\$600).

New boiler, hot water heater and replacing pipes in boilers, two thousand dollars (\$2,000).

Repair of water-closets and sewers, one thousand dollars (\$1,000).

Fire protection, five hundred dollars (\$500).

Slaughter house, cattle sheds and pig pens, one thousand dollars (\$1,000).

Fencing, three hundred dollars (\$300).

Dayton Asylum for the Insane.

Current expenses, eighty thousand eight hundred and sixty-three dollars, provided that any balance in the sum appropriated for water-tower may be applied to current expense fund (\$80,863).

Ordinary repairs, one thousand five hundred dollars (\$1,500).

General appropriations.

Trustees' expenses and salary of secretary, seven hundred and sixty-three dollars (\$763).

Carpet and furniture, one thousand dollars (\$1,000).

Books and pictures, one hundred dollars (\$100).

Painting, three hundred and seventy-one dollars (\$371).

Fencing, two hundred dollars (\$200).

Furniture for the new buildings, four hundred dollars (\$400).

Water-tower, pipes and connections, twelve thousand five hundred dollars (\$12,500).

Longview Asylum for the Insane.

Current expenses, one hundred and seven thousand dollars (\$107,000).

This sum is for the support of the insane in said institution, and shall be paid into the county treasury of Hamilton county, monthly, as may be necessary in payment of current expenses of said institution. Requisitions shall be made by the trustees of said asylum upon the auditor of Hamilton county, and copies thereof furnished to the auditor of state, whereupon he shall issue his warrant upon the state treasurer in favor of the treasurer of Hamilton county for such amount, and said appropriation shall discharge the state from all legal and equitable obligations to said institution for the year commencing February 15, 1893, and ending February 15, 1894.

Toledo Asylum for the Insane.

Current expenses, one hundred and twenty thousand two hundred dollars (\$120,200).

Ordinary repairs, four thousand dollars (\$4,000).

Expenses of trustees, six hundred dollars (\$600).

Furniture and carpets, one thousand five hundred dollars (\$1,500).

Books and pictures, five hundred dollars (\$500).

Trees, grading and shrubbery, four hundred dollars (\$400).

Roads and walks, two thousand dollars (\$2,000).

Gallery and seats for amusement hall, fifteen hundred dollars (\$1,500).

Painting, one thousand five hundred dollars (\$1,500).

Slaughter house, five hundred dollars (\$500).

Changing air flues to register, one thousand five hundred dollars (\$1,500).

Water-closets and tile floor, one thousand five hundred dollars (\$1,500).

Boys' Industrial School.

Current expenses, forty-three thousand one hundred and eighty-two dollars (\$43,182).

Salaries, twenty-one thousand dollars (\$21,000).

Ordinary repairs, four thousand five hundred dollars (\$4,500).

Trustees' expenses, five hundred dollars (\$500).

Laundry, four hundred dollars (\$400).

Furniture and carpets, six hundred dollars (\$600).

Grading road, five hundred dollars (\$500).

Rewards, eight hundred dollars (\$800).
 Library, two hundred dollars (\$200).
 Machinery and tools, one thousand dollars (\$1,000).
 Building ice house, two hundred dollars (\$200).
 Renewal of water and gas mains, one thousand five hundred dollars (\$1,500).
 Tin shop, three hundred dollars (\$300).
 Meat shop, three hundred dollars (\$300).
 Establishing and equipping new industries, two thousand five hundred dollars (\$2,500).

Girls' Industrial Home.

Current expense, thirteen thousand and seventy-four dollars (\$13,074).
 Salaries, eleven thousand seven hundred and sixty-six dollars (\$11,766).
 Trustees' expenses, three hundred and eighty-six dollars (\$386).
 Telephone, two hundred and fifty dollars (\$250).
 Ordinary expenses, one thousand three hundred dollars (\$1,300).
 Furniture and carpets, four hundred and thirty-six dollars (\$436).
 Library, one hundred dollars (\$100).
 Fencing, two hundred dollars (\$200).
 Expenses of lady visiting committee, fifty dollars (\$50).
 Fruit trees, berries and plants, one hundred dollars (\$100).
 Religious services, two hundred and eighty-two dollars (\$282).
 Repairing sulphur spring, two hundred and fifty dollars (\$250).
 Tile and drainage, one hundred and sixty dollars (\$160).
 Ice house, three hundred dollars (\$300).
 Sewers, one thousand dollars (\$1,000).
 Hose, three hundred and twenty dollars (\$320).

Ohio Institution for the Blind.

Current expenses, thirty-one thousand three hundred dollars (\$31,300).
 Salaries of officers and teachers, nine thousand six hundred and fifty-two dollars (\$9,652).
 Ordinary repairs, one thousand five hundred dollars (\$1,500).
 Books and school apparatus, one thousand five hundred dollars (\$1,500).
 Carpets, bedding and furniture, one thousand five hundred dollars (\$1,500).
 Steam pipe heating apparatus, two thousand dollars (\$2,000).
 Trustees' expenses, four hundred and eighty-five dollars (\$485).
 Care of grounds, eight hundred dollars (\$800).
 For fitting up library, five hundred dollars (\$500).

General appropriations.

Purchase of package and express wagon, seventy-five dollars (\$75).

Electric light for building, one thousand five hundred dollars (\$1,500).

For services of oculist, when required by superintendent, five hundred dollars (\$500).

Repairing and new water-closets, one thousand two hundred dollars (\$1,200).

Deaf and Dumb Institution.

Current expenses, forty-eight thousand eight hundred and fifty-three dollars (\$48,853).

Ordinary repairs, three thousand seven hundred and twelve dollars (\$3,712).

Trustees' expenses, six hundred and sixty dollars (\$660).

Salaries, twenty thousand dollars (\$20,000).

Lumber and nails for boxing, one thousand dollars (\$1,000).

Carpets and furniture, six hundred dollars (\$600).

Periodicals and papers, fifty dollars (\$50).

Horses, three hundred dollars (\$300).

Ohio Soldiers' and Sailors' Home.

Current expenses and clothing, their balances, and amount received from general government.

Officers' salary, three thousand eight hundred and eighty-eight dollars (\$3,888).

Trustees' expenses, one hundred and forty-six dollars (\$146).

Ordinary repairs, fifteen hundred dollars (\$1,500).

Improvements and grounds, nine hundred and seventy-nine dollars (\$979).

Furniture, carpets and bedding, two thousand two hundred and eighty-nine dollars (\$2,289).

Enlarging coal-house, five hundred dollars (\$500).

Electric light, ten thousand six hundred dollars (\$10,600).

For seating and furnishing assembly room, fifteen hundred dollars (\$1,500).

Ohio Soldiers' and Sailors' Orphans' Home.

Current expenses, eighty-one thousand seven hundred and ten dollars (\$81,710).

Salary of officers and teachers, nineteen thousand dollars (\$19,000).

Industrial apparatus, including purchase of necessary outfit and materials, eight thousand dollars (\$8,000).

Ordinary repairs, five thousand dollars (\$5,000).

Trustees' expenses, one hundred and fifty dollars (\$150).

Net earnings, one thousand five hundred dollars (\$1,500).

Library, two hundred and twenty dollars (\$220).

Services in chapel, three hundred dollars (\$300).

Support of children of indigent soldiers outside, eight thousand dollars (\$8,000).

Furniture and carpets, one thousand five hundred dollars (\$1,500). General appropriations.

Salary of foreman and instructors, six thousand one hundred dollars (\$6,100).

Grading, three hundred dollars (\$300).

Farm implements and wagon, five hundred dollars (\$500).

Entertainments and amusements, one hundred dollars (\$100).

Surgical outfit for hospital, two hundred dollars (\$200).

Repair of boiler house, five thousand dollars (\$5,000).

For protection of school building and addition of four new school rooms, thirty-five hundred dollars (\$3,500).

Ohio Hospital for Epileptics.

Building, construction of approaches and improvements, eighty-six thousand dollars (\$86,000).

Furniture and fittings, twenty thousand dollars (\$20,000).

Current expenses, thirty thousand dollars (\$30,000).

Ohio State Reformatory.

Construction and building contracts, one hundred and thirty-two thousand dollars (\$132,000.)

Eastern Insane Asylum.

For completing plans, construction and improvements, thirty thousand dollars (\$30,000), provided further that the trustees of said institution may enter into contract for above purposes not to exceed sixty thousand dollars (\$60,000) including amount above appropriated.

Ohio Institution for Feeble-Minded Youth.

Current expenses, ninety thousand six hundred and forty dollars (\$90,640).

Salaries, twelve thousand five hundred dollars (\$12,500).

Repairs, seven thousand dollars (\$7,000).

Expenses of trustees, two hundred dollars (\$200).

Furniture and carpets, one thousand five hundred dollars (\$1,500).

Inclosing laundry and dry-house, balances and two thousand dollars, provided that the exception granted to the penitentiary, in section 782, Revised Statutes of Ohio, shall be extended to the institution for feeble-minded youth so far as relates to appropriations for buildings herein provided for (\$2,000).

Fire escapes, one thousand five hundred dollars (\$1,500).

Gas-house, one thousand five hundred dollars (\$1,500).

Ohio Working Home for the Blind.

Salary of salesman and expenses, one thousand and eighteen dollars (\$1,018).

Salary of foreman, three hundred dollars (\$300).

Engineer, teamster, laundry help and dining room help, two hundred and ninety-five dollars (\$295).

Expenses of trustees, two hundred and sixty-nine dollars (\$269).

Repairs and improvements, eight hundred dollars (\$800).
 Furniture and carpets, two hundred dollars (\$200).
 Bookkeeper, two hundred and forty dollars (\$240).

Board of World's Fair Managers.

Payment of monumental design, twenty-five thousand dollars (\$25,000).

World's fair exhibit, eighty-four thousand dollars (\$84,000), provided that one thousand dollars (\$1,000) of the above amount shall be expended for sugar exhibit.

For exhibit by Toledo manual training school, two thousand dollars (\$2,000).

Miscellaneous.

Pension J. P. Brush's family, eighty-four dollars (\$84).

Salary state supervisor of elections, one thousand dollars to be paid in accordance with law (\$1,000).

For completing secretary of state's annual report, three hundred and fifty dollars (\$350).

For per diem and expenses of members of the state board of arbitration and conciliation, two thousand dollars (\$2,000).

For expenses of road commissioners under house joint resolution No. 59, eight hundred dollars (\$800).

To aid in support of deaf mutes' school in Cincinnati, twenty-five hundred dollars (\$2,500).

For expenses of tax commission under house joint resolution No. 53, two thousand five hundred dollars (\$2,500).

For expenses of architect, under house joint resolution number 69, five hundred dollars (\$500).

SECTION 2. The moneys appropriated in the preceding section shall not be in any way expended to pay liabilities or deficiencies existing prior to February 15, 1893, nor shall they be used or paid out for purposes other than those for which sums are specifically appropriated as aforesaid. No moneys appropriated to the board of world's fair managers, shall be used for the payment of per cent., salary, per diem or otherwise (except actual traveling expenses) to any officer, member or employe of said board who is drawing salary or compensation for any other service from any other appropriation made by the state.

SECTION 3. In addition to the several appropriations made for the institutions for the insane, blind, deaf and dumb and feeble-minded youth, the girls' industrial home, the boys' industrial school, the soldiers' and sailors' orphans' home, and soldiers' and sailors' home, there is hereby appropriated for the use of said institutions any moneys received from sources other than the state treasury by their respective financial officers, which moneys shall be credited to the current expense funds of said institutions respectively, unless otherwise appropriated by law.

SECTION 4. No bills for clerk hire, for furniture or carpets, or for newspapers, shall be paid out of appropria-

tions made for contingent expenses; no bills for carpets or furniture, or any expense for officers attending state, interstate or national associations of benevolent institutions, shall be paid out of appropriations made for the current expenses of said institutions; and no money herein appropriated shall be drawn except on a requisition on the auditor of state, approved by the head of each department or the trustees of the institution, which shall set forth the service rendered or material furnished, and the date of purchase and the time of service, and it shall be the duty of the auditor of state to see that these provisions are complied with.

General appropriations.

SECTION 5. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 24, 1893.
363G

[House Bill No. 1508.]

AN ACT

To authorize the board of trustees of the Ohio state university to make provision for the support of the school of law of the Ohio state university.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of the Ohio state university are hereby authorized and empowered to appropriate annually, for the period of ten years, to the support and maintenance of the school of law of the Ohio state university, out of the fund derived under section 3951 of the Revised Statutes of Ohio, amended March 20, 1891 (88 O. L., 159), a sum not exceeding five thousand dollars, in addition to the sum derived from the tuition fees of the students in said school of law.

Support of
school of law of
Ohio state uni-
versity.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 24, 1893.
365G

[House Bill No. 1641.]

AN ACT

To provide for the appropriation of \$1,634.40 for the payment in full of certain claims against the state of Ohio, for damages on account of the damage to and destruction and confiscation of certain fish-nets by L. K. Buntain, fish warden, and W. W. Ward, assistant fish warden.

Appropriation
for payment of
loss sustained
by damage, de-
struction and
confiscation of
fish-nets.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of \$1,634.40, for the purpose of paying to the following respective persons and firms, or their duly authorized attorneys or agents, the following respective sums of money, to be in full settlement of all their actions at law, judgments and costs rendered against W. W. Ward, Emery D. Potter and Stephen Fetterly, or any of them, in any courts in the state of Ohio, and in full settlement of all demands and claims they respectively may have against the state of Ohio or against Emery D. Potter, L. K. Buntain, their deputies, agents or employes, for loss sustained on account of the damage, destruction and confiscation of their fish-nets by said Emery D. Potter, L. K. Buntain or their deputies, agents or employes, in accordance with the laws of Ohio, to wit: R. S. Shepherd, \$320.91; L. P. Welsh, \$60.00; Edward B. Hayes, \$396.83; Andrew Carston and Richard Morgan, under the firm Carston & Morgan, \$260.00; Joseph Veisley, \$70.00; Theodore Slaughterbeck, \$200.00; George Herring, \$38.33; Henry Bodi, \$40.00; George Brown, \$248.33; and the auditor of state is hereby authorized to issue warrants respectively to said persons and firms or to their respective attorneys or agents, for said respective sums herein appropriated for them.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 24, 1893.

366G

[House Bill No. 1703.]

AN ACT

To amend section 51896 of the Revised Statutes of Ohio, as amended April 26, 1890.

Selection of
jurors:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 51896, as amended April 26, 1890, be amended so as to read as follows:

Sec. 5189b—3. In any county containing a city of the first class, or the first grade of the second class, before the second Monday of May of each year, the judges of the court of common pleas, and of the superior court in any county containing a city of the first grade of the first class, in joint session, and the judges of the court of common pleas in any county containing a city of the third grade of the first class, or of the first grade of the second class, shall appoint three freehold electors of said county, no one of whom shall be an attorney at law in practice in any of the courts, and not more than two of whom shall be of the same political party, who shall be commissioners of jurors for such county for one year and until their successors are appointed and qualified, and a record of such appointments shall be made upon the journal of each of said courts. Such commissioners shall, before entering upon the discharge of their duties, appear in said court of common pleas and take an oath of office as follows: "I do solemnly swear [or affirm] that I will honestly and faithfully discharge the duties of commissioner of jurors without fear or favor, and that I will consent to the selection of no person as juror whom I have been solicited to name as juror, or whom I believe to be unfit for that position, or likely to render a partial verdict in any cause in which he may be called as juror, and this I do as I shall answer unto God;" [or, "and this I do under the pains and penalties of perjury."] On the second Monday of May in each year such commissioners, or in any county containing a city of the second grade of the first class, the persons then, respectively, holding the office of clerk of the court of common pleas, county recorder and county auditor, shall meet in the office of the auditor of such county at ten o'clock in the forenoon, and shall there select such number of judicious and discreet persons, having the qualifications of electors of such county, as the court may direct, to be selected as nearly as may be from the several wards and townships in proportion to their respective population; but no person shall be so selected who shall not be, in the judgment of all of said commissioners or said officers, competent in every respect to serve as a juror; that after said commissioners or said officers shall have first ascertained said wheel to be entirely empty, the names of the persons so selected as aforesaid shall be written by the county clerk on separate pieces of paper, which shall be put into said wheel and securely locked therein in the presence of said commissioners or said officers, and said commissioners or said officers shall, also, at the same time make and sign a certificate containing all of said names, which they shall certify to be the names of the persons selected at the time and place aforesaid, to serve as jurors for the ensuing year, and that they are the same names as those placed in said wheel, which said certificate shall be filed with said clerk. Said wheel shall be securely locked at all times except when, by order of court, it shall be necessary to put names into it,

Commissioners of jurors in Hamilton, Lucas and Franklin counties; appointment, qualifications and term.

Oath.

Selection of jurors in counties above named and in Cuyahoga county.

Certificate of persons selected.

Wheel to be locked; custodian of wheel and key.

Penalty for unlawfully unlocking or opening wheel.

Appointment when commissioner or officer sick or absent.

Meeting and selection of jurors upon order of court.

Struck juries.

Repeals, etc.

and to draw them from it, in the manner herein provided; and said clerk shall be the custodian of said wheel and key, and if any person shall unlock or open said wheel, except by order of court, he shall be deemed guilty of a misdemeanor and shall, on conviction thereof, be fined not more than one thousand dollars nor less than five hundred dollars, and be imprisoned in the county jail not more than one year nor less than three months. If either of the commissioners or the officers mentioned in this section of this act shall be sick or absent from the county, the presiding judge of the court of common pleas may appoint some judicious and disinterested person to take the place of such commissioner or officer in making the selection herein provided for; and the person so appointed shall be of the same political party as the commissioner or officer whose place is to be filled; whenever it shall become necessary said commissioners or said officers shall meet at such time and place as the court of common pleas may appoint, and shall there select such number of persons as the said court may, by its order, direct; and the names of such persons shall be selected, written and deposited in said wheel and certified to as hereinbefore specified, but nothing herein contained shall abridge the right of any party to a struck jury as provided by law.

SECTION 2. That said original section 5189b, as aforesaid, be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 24, 1893.

367G

[House Bill No. 1760.]

AN ACT

To amend section 1796 of the Revised Statutes, as amended March 13, 1891.

Police court:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1796, as amended March 13, 1891, be amended so as to read as follows:

Dispatch of business.

Interpreter in Cleveland.

Sec. 1796. The business of the court shall be dispatched with all the speed consistent with a full, fair trial or hearing of the cases; and in cities of the second grade of the first class, the judge of the police court may appoint an interpreter for said court for the term of two years, who shall receive such compensation as the council of such city shall prescribe, not exceeding fifteen hundred dollars per year. Said interpreter shall attend all sessions of said court and obey all orders of the judge of said court; he shall receive

no fees while acting in the capacity of interpreter, except such compensation as shall be fixed by ordinance of the city council as aforesaid; provided, said judge shall have power, for adequate cause, to remove said interpreter.

SECTION 2. That said original section 1796, as amended March 13, 1891, be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 24, 1893.

371G

[House Bill No. 1789.]

AN ACT

To authorize the dairy and food commissioner of Ohio to employ a clerk.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the dairy and food commissioner of Ohio be and is hereby authorized to employ a clerk for his office, whose compensation shall not exceed twelve hundred dollars per annum, the same to be paid out of fines collected by such commissioner.

Dairy and food
commissioner's
clerk.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 24, 1893.

373G

[House Bill No. 1795.]

AN ACT

To amend section 1443 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1443 of the Revised Statutes be amended so as to read as follows:

Civil townships:

Sec. 1443. The trustees shall fix the place of holding elections within their township, or of any election precinct thereof, and they may purchase or lease for this purpose a house and suitable grounds, or by permanent lease or otherwise, a site, and erect thereon a house; and upon a vote of majority of the electors of the township or a precinct

Place of holding
elections.

Town hall.

thereof voting at any general election in favor of a tax therefor, at least thirty days' notice having been given by posting up such written notices in at least five of the most public places in such township or precinct that at such election a vote would be taken for or against a tax to purchase a site and build a town hall, the trustees may purchase a site and erect thereon a town hall for such township or precinct, the whole not to cost over two thousand dollars, and levy a tax on all the taxable property within such township or precinct to pay the same.

Repeals, etc.

SECTION 2. That said original section 1443 be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 24, 1893.

374G

[House Bill No. 1814.]

AN ACT

To amend section 897 of the Revised Statutes of Ohio.

County commis-
sioners:

Compensation
of county com-
missioners.

Cuyahoga, Ham-
ilton, Lucas and
Montgomery
counties.

Franklin
county.

Defiance
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 897 of the Revised Statutes be so amended so as to read as follows:

Sec. 897. Each county commissioner shall be allowed three dollars for each day that he is employed in his official duties, and five cents per mile for his necessary travel, for each regular or called session, not exceeding one session each month, or twelve in any one year, and five cents per mile when traveling within their respective counties on official business, to be paid out of the county treasury on the warrant of the county auditor, except in counties [in] which by the federal census of 1880, the population amounted to one hundred and ninety-five thousand or upwards, and in counties in which by said federal census of 1880 the population amounted to not more than seventy-nine thousand nor less than sixty-seven thousand, in which counties such commissioners shall be entitled to receive a salary at the rate of (\$2,000) two thousand dollars per annum, and counties having by said federal census of 1880 a population of eighty-six thousand seven hundred and ninety-seven and no more shall have a salary at the rate of twelve hundred dollars per annum each, and necessary traveling expenses when traveling outside of the county on official business, and in all counties which by the federal census of 1890, had, or which at any subsequent federal census may have a population of not less than (25,700) twenty-five thousand seven hundred nor more than (25,800)

twenty-five thousand and eight hundred, each county commissioner on and after January first, 1894, shall receive a salary of one thousand dollars per annum, payable in equal monthly instalments out of the county treasury, upon the warrant of the county auditor and in all such last mentioned counties, viz.: Counties having at the federal census of 1890 or at any subsequent federal census a population of not less than twenty-five thousand and seven hundred nor more than twenty-five thousand and eight hundred, each county commissioner shall devote his entire time to the duties of his office, and shall receive nothing in addition to the salary so provided, either directly or indirectly, by way of mileage, per diem, expenses paid out or otherwise, except when necessary to go out of their respective counties on official business, each commissioner may in addition to such salary receive his actual traveling expenses, and no more, which shall before being paid be presented in an itemized account, and approved in writing by the prosecuting attorney and probate judge. Each commissioner in all other counties except those having by the federal census of 1880 a population of one hundred and ninety-five thousand or upwards, and those having by said federal census a population of eighty-six thousand seven hundred and ninety-seven and no more, and those having by the federal census of 1890 a population of not less than twenty-five thousand and seven hundred, nor more than twenty-five thousand and eight hundred, or which may at any subsequent federal census have such population, for his services, when necessarily engaged in attending to the business of the county pertaining to his office under the direction of the board, and when necessary to travel on official business out of his county, shall be allowed in addition to his compensation and mileage as hereinbefore provided, any other reasonable and necessary expenses actually paid in the discharge of his official duty, and each commissioner shall present an itemized statement of his account for per diem, mileage, services and expense as aforesaid, which before it is allowed by a full board shall be certified to by the prosecuting attorney of the county, and approved by the probate judge thereof.

Additional allowance for expenses in counties other than Cuyahoga, Hamilton, Franklin and Defiance.

Itemized statement of account

SECTION 2. Said section 897 of the Revised Statutes of Ohio is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
 ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 24, 1893.
 378G

[Senate Bill No. 402.]

AN ACT

To amend section 6327—1 of the Revised Statutes of Ohio, as amended March 21, 1887 (O. L., vol. 84, p. 232), relating to unclaimed funds in hands of trustees.

Trustees: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6327—1 of the Revised Statutes be amended so as to read as follows:

Trustee of funds of unknown or non-resident.

Collection of unclaimed money from such trustee: payment of same into county treasury.

Payment of same to person entitled thereto.

Fees of prosecuting attorney.

(6327—1) Sec. 1. That whenever in any action or proceeding pending in any court of record, it shall be made to appear to such court, that any person or persons entitled to all or any part of the proceeds of property sold in such action or proceeding is or are unknown, or non-resident of this state, and not represented in such action or proceeding; or if it be so made to appear that the person or persons so entitled can not at the time be definitely ascertained or determined, the court may appoint a trustee to receive, hold and manage such proceeds, or such part thereof, and to whom the notes and mortgage for the unpaid part thereof shall be made, delivered and paid. Provided, however, that if any person entitled to any portion of the money so held by such trustee shall have failed for five years after the appointment of such trustee, to make claim to and make the necessary proof to entitle such person to the money so due such person, then the prosecuting attorney of the county in which such trustee was appointed shall proceed to collect the same, together with the interest that may have accrued thereon, from such trustee, and when collected shall pay the same into the treasury of the county, to be placed to the credit of the general fund of such county. Any moneys so paid into the treasury of any county shall be paid to the person or persons entitled thereto, less the costs of collection, by the prosecuting attorney, in the manner provided in section 6192 of the Revised Statutes of Ohio, whenever such person or persons shall satisfy the court wherein such appointment was made of his or their right to receive the same; and the prosecuting attorney shall receive for such services under this section the same fees as are provided by section 265 of the Revised Statutes of Ohio.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
379G

[Senate Bill No. 435.]

AN ACT

To regulate foreign stock corporations other than moneyed, by requiring such corporations to procure a certificate from the secretary of state that they have complied with the laws of the state to authorize them to do business, and to designate a place within the state as their principal place of business, and a person upon whom process may be served in actions against such corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That no foreign stock corporation, other than a banking or insurance corporation, shall do business in this state without first having procured from the secretary of state a certificate that it has complied with all the requirements of law to authorize it to do business in this state, and that the business of the corporation to be carried on in this state is such as may be lawfully carried on by a corporation incorporated under the laws of this state for such or similar business, or if more than one kind of business, by two or more corporations so incorporated for such kinds of business exclusively. The secretary of state shall deliver such certificate to every such corporation so complying with the requirements of the laws of this state. No such corporation now doing business in this state shall do business herein after July 31, 1893, without having procured such certificate from the secretary of state, but any lawful contract previously made by such corporation may be performed and enforced within the state subsequent to such date. No such foreign stock corporations doing business in this state without such certificate, shall maintain any action in this state upon any contract made by it in this state until it shall have procured such certificate. Before granting such certificate, the secretary of state shall require every such foreign corporation to file in his office a sworn copy of its charter or certificate of incorporation, and a statement under its corporate seal particularly setting forth the amount of capital stock, the business or objects of the corporation which it is engaged in carrying on, or which it proposes to engage in or carry on within this state, and a place within this state which is to be its principal place of business, and designating in the manner prescribed in the code of civil procedure in this state, a person upon whom process against such corporation may be served within this state. The person so designated must have an office or place of business at the place where such corporation is to have its principal place of business within this state. Such designation shall continue in force until revoked by an instrument in writing designating in like manner some other person upon whom process against such corporation may be served in this state. If the person so designated dies or removes from his place where such corporation has its principal place of business within this state, and such corporation does not, within thirty days after such death or removal, designate in

Certificate for-
eign stock cor-
poration re-
quired to ; re-
quire from secre-
tary of state.

Requirements
before certificate
granted.

Office or place
of business of
designated per-
son upon whom
process may be
served ; term of
such designa-
tion.

Revocation of
authority to do
business ; ser-
vice of process
upon secretary
of state.

Fee to be paid
at time of such
service; duty of
secretary of
state.

Fees for issuing
certificates.

Disposition of
fees.

like manner another person upon whom process against it may be served within this state, the secretary of state shall revoke the authority of such corporation to do business within this state, and process against such corporation in actions upon any liability incurred within this state before such revocations, may, after such death or removal, and before another designation is made, be served upon the secretary of state. At the time of such service the plaintiff shall pay to the secretary of state two dollars, to be included in his taxable costs and disbursements, and the secretary of state shall forthwith mail a copy of such notice to such corporation, if its address or the address of any officer thereof is known to him. For each certificate thus issued by the secretary of state he shall be entitled to receive and shall be paid fees according to the amount of capital stock of each such corporation as follows: One hundred thousand dollars or less, fifteen dollars; more than one hundred thousand dollars and not exceeding three hundred thousand dollars, twenty dollars; more than three hundred thousand dollars and not exceeding five hundred thousand dollars, twenty-five dollars; more than five hundred thousand dollars and less than one million dollars, thirty dollars; one million dollars or more, fifty dollars; which fees and the several sums of two dollars above named are to be paid by him to treasurer of state to credit of general revenue fund.

SECTION 2. This act shall take effect and be in force from and after June 1, 1893.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
380G

[Senate Bill No. 548.]

AN ACT

To enact supplementary section 6968c.

Offenses against
public policy:

Arrest of viola-
tors of laws re-
lating to birds,
game and fish.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio.* That supplementary section 6968c be added to section 6998 [6968], Revised Statutes of Ohio.

Sec. 6968c. It shall be the duty of sheriffs and deputy sheriffs to arrest all violators of sections 6960, 6961, 6963, 6964, 6965, 6967 and 6968 of the Revised Statutes. It shall be the duty of any constable in this state, in addition to his regular duties, to keep diligent watch to his respective township or any township in the county, and arrest or cause to be arrested, wherever found in the county, all violators of any of the provisions of the various sections above

mentioned herein. Each sheriff, deputy sheriff or constable, shall receive one-half of the fine collected for each conviction he procures; the other half of the fine shall be credited to the county fish and game fund and be used toward paying sheriffs, deputy sheriffs and constables for convictions procured and no fines collected. The fees paid sheriffs, deputy sheriffs and constables from fines collected under this act, shall be paid on an order to the county commissioners from the judge of the court of common pleas, probate court, mayor's court, police court, or justice of the peace, before which the conviction was made; provided, that no sheriff, deputy sheriff or constable shall receive a greater sum in cases when the fine can not be collected, than one-half of the fine assessed, which sum shall be paid from the fines collected for convictions as herein provided, and from no other fund.

Disposition of
fines collected.

Payment of fees.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
381G

[Senate Bill No. 554.]

AN ACT

To amend sections 3, 4, 5, 6 and 8 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., vol. 89, p. 455), and to amend sections 1, 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 25, 36 and 37 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892 (O. L., vol. 89, p. 432), and to amend sections 1252, 2928, 2932, 2933, 2980, 2982, 2983, 2989, 2994, 2929, 2993, 2995 of the Revised Statutes of Ohio, and to amend an act entitled "An act to provide for the making of returns, canvassing the vote and certifying the election of certain officers elected at April and special elections," passed March 31, 1892 (O. L., vol. 89, p. 208), and to repeal certain sections and acts herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 3, 4, 5, 6 and 8 of an act entitled "An act to create a state supervisor of elections with deputy state supervisors, for the conduct of elections in the state of Ohio," passed April 18, 1892 (O. L., vol. 89, p. 455), be amended so as to read as follows:

State supervisor
and deputy state
supervisors of
elections:

Sec. 3. On or before the first Monday in August, 1892, each state supervisor shall appoint four deputy state supervisors for each county in this state, who shall be qualified electors of the county for which appointed. For the first

Appointment,
qualifications
and terms of
deputy state
supervisors.

appointment, two members shall be appointed for a term of one, and two for a term of two years from the first Monday in August, 1892. One member so appointed for one year and one for two years shall be from the political party which cast the highest number of votes at the last preceding November election for governor or secretary of state. The other two members shall be appointed from the political party which cast the next highest number of votes for such officer at said November election. Thereafter appointments shall be made annually for two deputy state supervisors for each county for the term of two years, which appointments shall be from two political parties which cast the highest and next highest number of votes at the last preceding November election for governor or secretary of state. All vacancies shall be filled and all appointments to new terms made from the political party to which the vacating or outgoing member belongs, unless there be a third political party which cast a greater number of votes in this state than did the party to which the retiring member belonged, at the next preceding November election, in which event the vacancy shall be filled from such third party. Provided, that if the executive committees of the two political parties in the county casting the highest and next highest number of votes in this state at the last preceding November election, recommend qualified persons to the state supervisor at least ten days before the appointment is made, then the state supervisor shall appoint the persons so recommended to the number to which said party is entitled; but if no such recommendation is made the state supervisor shall make the appointments agreeably to the provisions herein contained. Any deputy state supervisor may be removed by the state supervisor for misfeasance or malfeasance in office, or other good and sufficient cause; and if, in filling vacancies caused by removals, no person or persons belonging to the political party as the person or persons removed, can be induced to accept such appointment, then the vacancies can be filled by appointments from any other political party. Provided further, that in counties containing cities of the first class, the boards of election heretofore provided for such cities by section 2926 and all sections supplementary thereto, of the Revised Statutes, shall have all the powers and perform all the duties for such counties imposed and conferred by this act on deputy state supervisors. In counties containing cities of the second class, the board of elections heretofore provided for said cities shall have the power and be subject to the duties prescribed in section 2926 of the Revised Statutes and supplemental sections as heretofore amended, except that all the returns of the November election shall in such counties be made to the deputy state supervisors as herein after provided; and, in addition thereto, each board shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties at

Vacancies.

Recommendations by party executive committees.

Removals.

Powers and duties of boards of elections in counties containing cities of the first class.

Powers and duties of boards of elections in counties containing cities of the second class.

requirements of the deputy state supervisors prescribed in this act.

Sec. 4. In all counties except counties containing cities of the first class, the deputy state supervisors for such county shall, at least thirty days previous to the November election in each year, meet in the office of the county commissioners and organize by selecting one of their number as chief deputy, who shall preside at all meetings, and a resident elector of such county, other than a member of the board, as clerk, both of which officers shall continue in office for one year. The balloting for such officers shall commence at or before one o'clock p. m., on the day of convening, and at least one ballot shall be taken every twenty minutes until such organization is effected. The clerk shall be first selected and if, after five ballots, no person shall be agreed upon as clerk, the clerk shall be selected by lot from two persons of opposite politics, to be nominated by the deputy supervisors, the two deputy supervisors of the same politics to name one candidate for clerk, and the two deputies of opposite politics to name the other. After the selection of the clerk the chief deputy shall be selected from deputies of opposite politics to that of the clerk, and if upon the first ballot no person shall be agreed upon as chief deputy, the deputy of opposite politics to the clerk having the shortest term to serve, shall be and act as the chief deputy, presiding at all meetings. The clerk shall be paid a salary in quarterly instalments, not to exceed one hundred dollars per year, which compensation shall be fixed by the deputy supervisors for the respective counties. At such meeting for organization, the deputy supervisors may remain in session not more than two days for the purpose of organization and receiving instructions from the state supervisor as to their duties, and may at such time provide for the publication of a notice for bids for printing ballots, cards of instruction and other necessary blanks and papers required by law in the conduct of elections therein. Such deputy supervisors shall meet on the twelfth day before each election and shall remain in session for such length of time as may be necessary, and shall adjourn to such day as their duties prescribed by law may require. For attending all meetings, the deputy supervisors shall receive as compensation the sum of two dollars per day, not to exceed twenty days in any one year, and mileage at the rate of five cents a mile, going to and returning from the county seat, if the distance be more than one mile. The compensation above provided for, and all proper necessary expenses in the performance of the duties of such deputy supervisors, shall be defrayed out of the county treasury as other county expenses, and the county commissioners shall make the necessary levy to meet the same.

Selection and term of chief deputy and clerk.

Salary of clerk.

Sessions of deputy supervisors; publication of notice for bids for printing

Compensation of deputy supervisors.

Payment of compensation and expenses.

Sec. 5. The secretary of state is hereby authorized and required to collate and publish all the election laws in force applicable to the conduct of elections. There shall be

Collation, publication and distribution of election laws

twelve thousand copies of such election laws printed, to be bound in paper, which shall be distributed in proportion to the number of voting precincts in each county, such distribution to be made in each county by the deputy supervisors therefor.

Appointment of judges and clerks of election.

Presiding judge.

Terms of judges and clerks.

Apportionment of judges and clerks politically; vacancy in office.

Certification of persons entitled, ex officio, to be judges and clerks.

Vacancy in office of judge or clerk.

Compensation of judges and clerks.

Duties of judges and clerks; penalties to which subject.

Duties of state supervisor and deputy supervisors.

Sec. 6. At least ten days before any annual or general election, the deputy supervisors for each county shall, when vacancies exist, appoint, in all precincts in which voters are not registered, four judges and two clerks of election, residents of the precincts, who shall constitute the election officers of such precinct; the deputy supervisors shall designate one judge in each precinct to act as presiding judge. The terms of the judges and clerks shall cease and terminate at the end of one year from the date of their appointment, at which time, and annually thereafter, their successors shall be appointed to similar term of office, agreeably to the provisions of this act.

Not more than two judges and not more than one clerk shall belong to the same political party. If a judge or clerk in any precinct shall fail to appear on the morning of the election, the electors present shall, viva voce, choose a suitable person, having the qualifications of an elector, to fill the vacancy from the political party to which the absent judge or clerk belonged. It is hereby made the duty of township clerks and clerks of municipalities, at least twenty days before any November election, to certify to the deputy supervisors the names, addresses, politics and precincts of all persons entitled, ex officio, to be judges and clerks of election.

If, at the opening of the polls in any precinct, there shall be a vacancy in the office of clerk or judge of election, the same shall be filled by the electors present and from the political party which is entitled to such vacant office under the provisions of this act.

The judges and clerks shall each receive as compensation the sum of three dollars for each election; provided, however, that in cities where registration is required, the compensation of judges and clerks of election shall remain as now fixed by law.

Sec. 8. The judges and clerks provided for herein shall serve as such in all elections held under the provisions of this act. They shall perform all the duties and be subject to all the penalties imposed upon judges and clerks of election by law and the act entitled "An act to provide a mode for conducting elections," etc., passed April 30, 1891, and acts amendatory and supplementary thereto.

The state supervisor of elections and the deputy supervisors of each county, as herein provided, shall perform all the duties imposed by law and the act entitled "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, as amended and supple-

mented, upon the secretary of state, or the clerk of the court, or a board of elections acting within and for a county, in the conduct of elections.

The state supervisor of elections and the deputy supervisors shall receive and file the certificates of nominations and nomination papers, fill vacancies, pass upon the validity thereof and certify the same agreeably to the provisions of law and said act regulating the filing and the determination of the validity thereof, to be made and done by the secretary of state, board, clerk, officer or officers.

Certificates of nominations, nomination papers, and vacancies.

Objections or questions arising on the nomination certificates or papers of candidates for district or circuit offices, or offices of a subdivision of a district or circuit, shall be determined by the chief deputies and clerks of the deputies of the counties comprising said district or circuit. In case no decision can be arrived at by the deputy supervisors for the county or by the chief deputies and clerks of a district or circuit, then the question shall be submitted to the state supervisor of elections, who shall summarily decide the same and his decision shall be final.

Questions to be decided by chief deputies and clerks.

Submission of question to state supervisor, and decision thereof.

The deputy supervisors for each county shall advertise and let the printing of the ballots, cards of instruction and other required books and papers to be printed by the county; they shall receive the ballots from the printer and cause the same to be securely sealed up in their presence in packages, one for each precinct, containing the designated number of ballots for each precinct, and shall make the necessary indorsement thereon as provided in said act; they shall provide for the delivery of the ballots, poll-books and other required books and papers at the polling places in the several precincts; they shall cause the polling places to be suitably provided with booths, guard-rails, etc., as provided in said act of April 30, 1891, and acts amendatory and supplementary thereto; they shall provide for the care and custody of the same during the intervals between elections; they shall receive the returns of election, make abstracts of the same, and transmit such abstracts to the proper officers at the times and in the manner provided in sections 2980, 2982, 2983, 2989 and 2994 of the Revised Statutes, to canvass the returns, make abstracts thereof, transmit the same and issue certificates to persons entitled to the same.

General duties of deputy supervisors.

In April or other elections for township or municipal officers, or boards of education, or the election of a justice of the peace, the judges and clerks of election shall certify the returns to the clerk of the township or the clerk of the municipality in which the election is held, or clerk of the board of education, instead of to the deputy state supervisors, and the said township clerk, or the clerk of the municipality, or clerk of the board of education, shall canvass the vote and declare the result in the manner and as provided in sections 1453, 1729 and 3910 of the Revised Statutes, and in the case of an election of a justice of the peace, shall

Return and canvass of vote for township and municipal officers, members of boards of education and justices of the peace.

Municipalities having registration.	certify the result to the board of deputy state supervisors; except in municipalities where the voters are registered the returns shall be made and canvassed as provided in section 2926 of the Revised Statutes.
Conduct of elections:	SECTION 2. That sections 1, 2, 3, 4, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 25, 36 and 37 of an act entitled "An act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named,' passed April 30, 1891," passed April 18, 1892 (O. L., vol. 89, p. 432), be amended so as to read as follows:
Conduct of elections of public officers; exceptions.	Sec. 1. That hereafter elections of all public officers, except school directors of subdistricts and joint subdistricts, and special school districts holding election on the second Monday of April, and all officers of original surveyed townships, in this state, shall be conducted according to the provisions of this act and existing laws not inconsistent therewith.
Forms for guidance of deputy state supervisors of elections.	Sec. 2. In addition to the duties now imposed on him by law, the secretary of state shall prepare and furnish to the deputy state supervisors of elections, for their guidance, forms of all the blanks, cards of instruction, including poll-books and tally-sheets, certificates of nomination and designs, provided for hereinafter, for the conduct of elections in this state.
Division of wards, townships or precincts.	Sec. 3. In all municipalities where registration is not required, and in townships, when five hundred votes or more have been cast at the last preceding November election in any ward or township, or in any precinct therein, such ward, township or election precinct may, or, when a majority of the voters petition therefor, shall be divided by the deputy state supervisors, as hereinafter provided, into two or more election precincts, so as to limit the number of votes in each ward or precinct to three hundred, as nearly as may be practicable; and from time to time, any or all of such precincts may be rearranged, subdivided, or combined as often as may be deemed necessary or the convenience of the electors and the prompt and correct conduct of the elections may require. At least thirty days previous to any election, the officers above named shall give ten days' notice, by publication in two papers of opposite politics published in the county, that the question whether the township, ward or precinct, or precincts, shall be divided, changed or combined, will be considered on a day named in said notice. On said day, or some subsequent day to which the matter may be adjourned, the question of dividing, changing or combining said precinct shall be heard, and, if there are no remonstrances against said division, change or combination, they shall declare the same, and the precincts so established; but if any twelve electors of such precincts remonstrate against such division, change or combination, the matter shall be heard and determined, and such order made for or against
Rearrangement, subdivision or combination of such precincts.	
Notice of proposed change.	
Hearing and determination of question.	

such division, change or combination as is deemed proper; provided, that nothing in this section shall be construed to affect the powers and duties of city boards of elections in reference to the division of election precincts within such cities as provided in section 2926 of the Revised Statutes; provided, further, that the division of any election precinct into two or more subdivisions, as herein provided, shall not be construed as requiring the election of an assessor in each such subdivision, but, in all such election precincts subdivided as aforesaid there shall be elected one assessor for each original precinct unless the deputy state supervisors, at the time of the division, shall order that an assessor be elected in each precinct:

City election
precincts.

Election of
assessor.

Sec. 4. At least twenty days before the general November election, the clerk of each township and the clerk of each municipality in which registration of voters is not in force, shall forward to the deputy state supervisors of the county in which such municipality or township is included, a list containing the names of all persons authorized by law to act as judges and clerks of election in each precinct in such municipality or township, with the post-office addresses of the same, and specifying for each precinct the judges and clerks for the same so far as provided by law.

List of persons
authorized to
act as judges
and clerks.

Sec. 9. Certificates of nomination and nomination papers of candidates for presidential electors and state offices shall be filed with the secretary of state not less than thirty days previous to the day of the election at which the candidates are to be voted for; certificates of nomination and nomination papers for the nomination of candidates for county offices shall be filed with the deputy state supervisors not less than twenty days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of a district lying within a county shall be filed with the deputy state supervisors of the county; and for offices to be filled by the electors of a district, circuit or a subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, circuit or subdivision containing the greatest number of inhabitants, as ascertained by the last federal census, not less than twenty-five days previous to the day of election; certificates of nomination and nomination papers for the nomination of candidates for township or municipal offices, or members of the board of education, shall be filed with the deputy state supervisors not less than fifteen days previous to the election; provided, that in cities where the voters are registered, the nomination of city officers shall be filed with the city board of elections not less than fifteen days previous to the day of such election.

Filing of certi-
ficates of nomi-
nation and nom-
ination papers.

Sec. 10. Certificates of nomination and nomination papers, when filed, shall be preserved and be open, under proper regulation, to public inspection; the certificates of nomination and nomination papers being so filed, if in ap-

Preservation
and inspection
of certificate of
nomination and
nomination
papers; objec-

tions to their
validity; con-
sideration and
decision of such
objections, or
other questions.

parent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing, within five days after the filing thereof. Such objections, or other questions arising in the course of the nomination of candidates for state offices and presidential electors shall be considered by the secretary of state, and his decision shall be final. Such objections or other questions arising in the course of nominations of candidates for county offices or offices of a district lying within a county shall be considered by the deputy state supervisors of the county, and objections or questions arising in the course of nomination of candidates for district or circuit offices or offices in a subdivision of a district shall be considered by the chief deputy state supervisors and clerks of said election boards of the several counties comprising the district, circuit or subdivision, and their decision shall be final; but in case no decision can be arrived at, the matter in controversy shall be submitted to the state supervisor of elections, who shall summarily decide the question thus submitted to him, and his decision shall be final. Objections and questions arising in the course of nominations for township or municipal offices, or members of the board of education, shall be considered by the deputy state supervisors, except that in cities having registration, all such objections shall be considered by the board of elections of such cities; the decision of such deputy state supervisors or board of elections shall be final, and in case of disagreement the matter shall be referred to the state supervisor of elections and his decision shall be final; but in municipalities within the terms of this act which are situate in two or more counties, the objection or question may be submitted by the clerk or board thereof directly to the state supervisor. In case an objection is made, or question arises, notice shall forthwith be mailed to the candidates affected thereby, and to any party committee especially interested. It shall be proper for the officers above named, in the decision of any question as to the proper political or party designation of candidates, to distinguish between candidates nominated by certificates of nomination and those nominated by petition or nomination papers; and any party or political designation certified by petitioners in nomination papers may be rejected if, from similarity to the name of any existing party, as defined in section 7, such officers shall deem it likely to mislead or confuse voters.

Manner of fill-
ing vacancy on
ticket, or cor-
recting defect in
certificate of
nomination.

Sec. 11. Should any person so nominated die, withdraw, or decline the nomination, or should any certificate of nomination be insufficient or imperfect, the vacancy thus occasioned may be filled or the defect corrected in the manner required for original nominations, but must be certified to the secretary of state twenty days, or to the deputy state supervisors at least fifteen days previous to election day. If, when the original nomination was certified, there was certified a committee authorized to represent the party as

before provided, it may fill such vacancy. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which nominated, the name of the person for whom the new nominee is to be substituted, and such other information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, acknowledged and sworn to in the manner prescribed for the original certificate of nomination, and shall, upon being filed with the secretary of state at least twenty days, or with the deputy state supervisors fifteen days before election, have the same force and effect as an original certificate of nomination. A vacancy occurring after the printing of the ballots may be filled by filing the proper certificate with the secretary of state at least ten days, and with the deputy state supervisors at least five days prior to the election, and the name, office and party of the candidate so nominated shall be printed on adhesive slips or pasters, by the deputy state supervisors, which shall be delivered to the judges in each precinct before the opening of the polls, and pasted by them in the proper place on the ballot, before the same is handed the elector.

Sec. 13. Immediately upon the expiration of the time within which certificates of nomination may be filed with him, the secretary of state shall certify copies of all the certificates so filed to the several deputy state supervisors; and the chief deputy state supervisor of the district, circuit or subdivision with whom the certificate of district, circuit or subdivision nominations has been filed, shall immediately certify the same to the deputy state supervisors in all the other counties in such district, circuit or subdivision. In municipalities having registration, it shall be the duty of the city board of elections to immediately certify to the deputy state supervisors copies of all certificates that have been filed with said board; provided, that certificates of nomination for officers to be voted for in municipalities coming within the terms of this act, which are situate in two or more counties, at the annual April election, shall not be certified to the deputy state supervisors; but the clerk of the municipality or the board of elections, if registration of voters is required therein, shall have the ballots for such municipality printed and distributed after the mode herein provided for by the deputy state supervisors in other cases.

Sec. 14. All expenses arising for printing and distributing ballots, cards of explanation to officers of the election and voters, blanks, and all other proper and necessary expenses of any general or special election, including compensation of precinct election officers, shall be paid out of the county treasury as other county expenses; but, except in the case of November elections, shall be a charge against the township, city, village or political division in which such election was held, and the amount so paid by the county as above

Transmission of
certified copies
of certificates
of nomination.

Municipalities
having registra-
tion.

April election
in certain
municipalities.

How expenses
of elections de-
frayed.

provided, shall be retained by the county auditor from the funds due to such township, city, village or political division, at the time of making the semi-annual distribution of taxes; the county commissioners, township trustee, councils, boards of education, or other authorities authorized to levy taxes, shall make the necessary levy to meet such expenses; the amount of all such expenses shall be ascertained and apportioned by the deputy state supervisors to the several political divisions and certified to the county auditor. In the case of municipalities situated in two or more counties, the proportion of expense charged to each of the counties shall be ascertained and apportioned by the clerk of the corporation, and certified by him to the several county auditors.

Contracts for printing.

Submission of proof of ballot.

Sealing, indorsement and delivery of packages of ballots.

Municipalities situated in two or more counties.

Ballots for April and special elections in certain precincts.

Ballots for school district portions of such precincts.

Delivery of ballots and other supplies required in conduct of elections.

Sec. 15. The printing provided for in this act, except poll-books and tally-sheets, shall be let by the deputy state supervisors or board of elections, to the lowest responsible bidder in the county, upon ten days' notice published not more than three times in two leading papers of opposite politics published in such county; after the letting of the contract for the printing of the ballots, the proper officer or board shall secure from the printer and exhibit to the chairman of the local executive committee of each party represented on the ballot, for inspection and the correction of any errors appearing thereon, a printed proof of the ballot to be printed for use at the election; the person to whom the contract for printing the tickets is let, shall, in the presence of the deputy state supervisors or board of elections, seal up securely in packages, one for each precinct, in the county or municipality, as the case may be, the designated number of ballots to be printed for such precinct, and indorse thereon the number of ballots so printed and sealed up, and deliver the same to the deputy state supervisors at such time as they may direct; provided, that in municipalities situate in two or more counties, the city clerk shall provide for the printing and distribution of the ballots.

In election precincts composed of a township or a part thereof and a municipality or a part thereof, or in precincts composed of two or more townships or parts thereof, and a municipality or part thereof, there shall be provided, for all April and special elections, separate ballots for each township, village or city portion of such precinct, so as to enable electors residing in such precinct to cast their votes for the proper candidates in the respective portions comprising such precinct; and likewise there shall be provided ballots for each school district portion of such precinct which shall contain the names of all the candidates for members of the board of education for which electors residing in such precinct are entitled to vote. This last provision shall apply only where the school district is not coextensive with the boundaries of the municipality.

Sec. 16. Not less than three days before an election, the deputy state supervisors or city clerk, in municipalities situate in two or more counties, shall summon a judge of election in each precinct in such county or municipality, as

the case may be, to appear forthwith and receive the necessary blanks, poll-books, tally-sheets, certificates, cards of instruction and ballots for such precinct, and shall deliver to such judge the sealed packages of ballots, blanks, poll-books and other required papers, all of which such judge shall safely deliver and have on hand at the polling place in his precinct before the time for the opening of the polls therein; provided, however, that in cities of the first and second class, when the presiding judge or chairman is chosen at the meeting of the registrars and judges of election, on the evening preceding any November election, pursuant to section 2926ⁿ of the Revised Statutes, or on the Saturday evening preceding any April election, it shall be the duty of such judge, immediately after such meeting, to call at the office of the city board of elections for such packages, and in such cities the deputy state supervisors, when required to print the ballots, shall deliver the poll-books, tally-sheets, cards of instruction and other supplies herein mentioned to the board of elections of such cities instead of the presiding judges; and provided, further, that in any city of the first grade of the first class, the board of elections may, by resolution, provide for the delivery of ballots through the agency of the police force of such city; and provided, further, if the judge summoned to receive and deliver the ballots and other books and papers does not appear, the deputy state supervisors or city clerk or board of elections shall send the ballots, books and other required papers to the election officers of the precinct, so as to be received by them in time for the election.

Cities first and second class.

Delivery of ballots in Cincinnati.

Delivery of supplies when judge summoned fails to appear.

Sec. 17. If, by any accident or casualty, the ballots or other required papers delivered to any judge of elections or other messenger shall be lost or destroyed, it shall be the duty of such person charged with the custody thereof to report the loss at once to the deputy state supervisors or city board of elections, from whom the same were obtained, and make affidavit of the circumstances of the loss, whereupon the deputy state supervisors or board of elections shall at once resupply such person; in case such person fail or refuse to report and make proof of the loss, any qualified elector may do so, and thereupon a new supply shall be sent by special messenger, as provided in other cases.

Replacing of supplies lost or destroyed.

At the opening of the polls in each precinct, the seals of the packages shall be publicly broken, and the packages shall be opened by the presiding officer. The cards of instruction shall immediately be placed in each voting shelf or compartment provided in accordance with this act for the marking of the ballots, and in such other places as the election officers may select.

Opening of packages.

Where cards of instruction to be placed.

In case no ballots shall have been delivered at any polling place before the opening of the polls, or if extra ballots shall, at any time during the time the polls remain open, be required, it shall be the duty of the deputy state supervisors, city clerk or board of elections, upon a requisition, in writ-

Extra ballots.

When unofficial
ballots may be
used.

ing, signed by a majority of the election judges of such precinct, wherein the reason for demanding such ballots shall be set out, to secure the same as speedily as possible, and, if necessary, extra ballots may be printed for this purpose; provided, however, that such ballots shall conform, as nearly as possible, to the original ballots, and the printing and the care of the same shall be under the same provisions and penalties as the printing and care of the other ballots; and if, from any cause, neither the official ballots nor ballots otherwise prepared as above prescribed shall be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots may be used, so that no elector, for lack of a ballot, shall be deprived of his franchise.

Voting shelves
and guard-rails.

Sec. 19. The deputy state supervisors shall provide a sufficient number of voting shelves at which electors may conveniently mark their ballots, so that in the marking thereof they shall be screened from the observation of others, and a guard-rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot-boxes or of such voting shelves. The arrangements shall be such that neither the ballot-boxes nor the voting booths shall be hidden from view of those outside the said rail. The number of such voting shelves shall not be less than one for every seventy-five electors qualified to vote at such polling place. No person other than the judges of election and such officers as are provided for by the statutes of this state or of the United States, and electors admitted as herein provided, shall be permitted within said rail, except by authority of the election officers, for the purpose of keeping order and enforcing the law. Each voting shelf shall be provided with proper supplies and conveniences for marking the ballots. After each election the judges of election shall see that the booths, guard-rails and other equipments are returned to the clerk of the township or corporation in which the precinct is situated, for safe keeping, and it shall be the duty of such clerk to have such booths and equipments on hand and in place at the polling place in each precinct before the time for opening the polls on election day, and for this service the deputy state supervisors may allow the necessary expense incurred; provided, that where a board of elections is established by law, this duty shall devolve on such board.

Arrangement of
ballot-boxes
and voting
booths.

Number of
voting shelves
required.

Who permitted
within rail.

Supplies for
marking bal-
lot.
Return of
booths, guard-
rails, etc.

Placing of such
equipments for
elections.

Folding of
ballot.

Sec. 22. Before leaving the voting shelf the elector shall fold his ballot without displaying the marks thereon, and so as to conceal the same, but show the indorsements and facsimile of the signatures of the proper clerk or board, and keep the same so folded until he has delivered the ballot to the presiding officer.

Receipt of bal-
lot; disposition
of secondary
stubs; regula-
tion as to
marking and
voting.

One of the election officers shall receive the ballot, attach the secondary stub bearing the elector's register number or name, and examine such stub for the purpose of identification, and deposit the ballot in the ballot-box; the secondary stubs shall be preserved until the polls are closed.

and shall then be destroyed before the ballot-box is opened; the elector shall mark and vote his ballot without undue delay, and shall leave said inclosed place as soon as he has voted.

No elector, not an election officer, shall be allowed to reënter said inclosed place during said election except for the purpose of voting. No more electors shall be allowed to enter within said rail at any one time than there are voting shelves provided. It shall be the duty of the judges of election to secure the observance of the provisions of this section.

Who permitted
to reënter in-
closed place;
number of
electors per-
mitted within
rail at one time

Every elector who does not vote a ballot delivered to him by the ballot officer shall, before leaving the polling place, return such ballot to such officer.

Return of un-
voted ballots.

Any elector who declares to the presiding judge of election that for any reason he is unable to mark his ballot shall, upon request, receive the assistance in the marking thereof of two of the judges of election, belonging to different political parties, and they shall thereafter give no information in regard to the matter. The presiding judge shall require such declaration of disability to be made by the elector under oath before him.

Assistance of
judges in mark-
ing ballot.

No ballot without the official indorsement shall be allowed to be deposited in the ballot-box, and none but ballots provided in accordance with the provisions of this act shall be counted.

Ballots per-
mitted to be
deposited and
counted.

Sec. 24. The ballot-boxes shall then be opened and the ballots therein shall be taken out, one at a time, by one of the judges, who shall read aloud distinctly, while the ticket remains in his hands, the name or names voted for thereon, except that a straight ticket may be announced as such and be so counted, and then delivered to the second judge, who shall examine the same and pass it to the third judge, and so on to the fourth, who shall preserve it; and the same method shall be observed in respect to each of the tickets taken out of the ballot-box until the number taken out of the ballot-box is equal to the number of names in the poll-books. The clerks shall enter in separate columns by tallies under or opposite the names of the persons voted for, as provided in the form of tally-sheets, all the votes thus read by the judges. After the examination of the ballots has been completed the number of votes for each person shall be enumerated under the inspection of the judges, and set down as provided in the form of the tally-sheets; when the result of the ballot is ascertained it shall be immediately announced by one of the judges in front of the polling place, and a copy thereof certified by the judges and clerks posted on the front of the polling place, and a certified copy thereof given to the persons hereinafter designated as being entitled to be present at the counting of the votes. When all these requirements are complied with the judges shall, in the presence of the clerks and the inspectors, destroy by burning the ballots so read and counted, and also

Manner of can-
vassing, enter-
ing and enu-
merating votes.

Announcement
of result, and
certified copies
thereof.

Destruction of
ballots counted
and excess
ballots.

Pre-vention of
disputed bal-
lots.

any ballots remaining in the box in excess of the number of names in the poll-books; provided, however, if there are any ballots cast and counted or left uncounted concerning the legality of which there is any doubt or difference of opinion in the minds of the judges of election, said ballots shall not be destroyed, but sealed up and returned to the deputy state supervisors with the returns of the election for such judicial or other investigation as may be necessary, with a true statement as to whether they have or have not been counted, and if counted, what part and for whom.

Making, trans-
mission and
preservation of
returns, tally-
sheets and poll-
books.

Sec. 25. After canvassing the votes, the judges and clerks shall make out the returns of the election and the tally-sheets thereof in duplicate, signed and certified as required by law; one copy thereof shall be immediately transmitted to the deputy state supervisors by one of the judges; the other poll-book and tally-sheet shall be forthwith deposited with the clerk of the township or the clerk of the municipal corporation, as the case may require, by another judge, to be preserved for one year after the date of such election. Such returns shall be securely sealed up in an envelope and addressed transversely upon the upper end thereof to the proper officer with whom they are to be deposited, with the designation of the township, precinct and county; provided, that in cities of the first class such delivery shall be made as now provided by law.

Cities of the
first class.

Period during
which judges
and clerks shall
not separate,
nor leave poll-
ing place under
penalty.

From the time the ballot-box is open and the count of votes begun, until the votes are counted and the returns made out, signed and certified, as required by law, and delivered to the judges selected for such duty for transmission, the judges and clerks of the precinct shall not separate, nor any judge or clerk leave the polling place except from unavoidable necessity, under penalty of a fine of not less than fifty nor more than one hundred dollars.

Compensation
of judges and
clerks of elec-
tion.

Sec. 36. The judge of election called by the deputy state supervisors to receive and deliver the ballots, poll-books, tally-sheets and other required papers, shall receive two dollars for such service, and in addition thereto mileage at the rate of five cents per mile to and from the county seat if he live one mile or more distant therefrom. The judge of the election carrying the returns to the deputy state supervisors shall receive like compensation. Judges and clerks shall each receive as compensation the sum of three dollars for each election; provided, however, that in cities where registration is required the compensation shall remain as now fixed by law.

Duties of boards
of elections in
counties con-
taining cities of
the first class.

Sec. 37. In counties containing cities of the first class the election precincts of the county outside of the city shall be held and deemed to be election precincts of the city for the purpose of conducting elections under this act, and board of elections heretofore provided for such cities by section 29266 of the Revised Statutes shall, in their respective counties, perform the duties imposed upon the deputy state

supervisors by this act. In counties containing cities of the second class, the boards of elections heretofore provided for said cities shall have the powers and be subject to the duties prescribed in section twenty-nine hundred and twenty-six of the Revised Statutes, and supplemental sections, as heretofore amended, except that all the returns of the November election shall, in such counties, be made to the deputy state supervisors as provided by law; and, in addition thereto, such boards shall, in the conduct of municipal elections, have all the powers and duties and be subject to all the provisions, penalties and requirements of the deputy state supervisors prescribed in this act.

Powers and duties of boards in counties containing cities of the second class.

In all counties other than counties containing cities of the first class, in or for which there is or may be established a board of elections or deputy supervisors of election, or other officer or officers, whose duty it is to receive and canvass the returns of elections in and for such county or counties, and transmit abstracts thereof, such board or deputy supervisors or other officer or officers shall, in their respective counties, in the conduct of elections, have all the powers and perform all the duties conferred and imposed by this act and be subject to the provisions, penalties and requirements herein; provided, that in the consideration and decision of objections and questions arising in the course of a nomination for an office of a circuit or district composed of more than one county, the chief deputy supervisor or presiding canvassing officer of the county shall act for his associates. Judges and clerks appointed for the several precincts of a county by such board of elections or deputy supervisors or other officer or officers shall serve as such in the conduct of all elections under this act and shall perform all the duties and exercise all the powers and be subject to all the penalties imposed, conferred or prescribed by this act upon judges and clerks of elections.

Powers and duties of boards, deputy supervisors or other officers in counties other than those containing cities of the first class.

When chief deputy or presiding canvassing officer to act for associates

Judges and clerks appointed by such election officers.

SECTION 3. That sections 1252, 2928, 2932, 2933, 2980, 2982, 2983, 2989, 2994, 2929, 2993, 2995 of the Revised Statutes be amended so as to read as follows:

Conduct of elections:

Sec. 1252. The deputy state supervisors shall furnish, at the expense of the county, and at least five days before the day of election, all the necessary poll-books and tally-sheets required in each voting precinct in the county, for all presidential, congressional, state, county, municipal, township or other elections. They shall furnish and deliver to the trustees of each township, and the councilmen of each ward, at each state election, a correct list, in alphabetical form, of the names of all the regular jurors who have served in any court of record from such township or ward in said county during the two years last past.

Poll-books and tally-sheets.

List of persons having served as regular jurors during preceding two years.

Sec. 2928. The deputy state supervisors shall cause to be provided, at the expense of the county, a ballot-box for each precinct therein which may be without the same, and cause it to be deposited with the proper township or corporation clerk; and every such clerk shall cause a ballot-box,

Ballot-boxes.

with a copy of this title, to be delivered at each place of holding elections in his township or corporation as often as elections are held therein, and after each election the same shall be forthwith returned to him by the judges of election for safe keeping; provided, that whenever a board of elections is established, the purchase and care of ballot-boxes to be used at any election under its direction shall devolve upon such board.

Judges and
clerks of elec-
tion for town-
ship precincts.

* Sec. 2932. Judges of election for each township precinct shall be constituted and chosen as follows:

First—In every township in which the trustees are not all members of the same political party, the trustees shall be the judges.

Second—In every other township, except townships divided into election precincts, the two trustees whose term of office expires in one and two years, respectively, and the person, not a member of the same political party as these trustees, having received the next highest vote for the office of trustee at the preceding township election shall act as judges.

Third—If two or more persons, not members of the same political party as the trustees, receive the same number of votes at the preceding election for township trustee, the township clerk shall publicly determine by lot which of such persons shall be eligible.

Fourth—In every township containing more than one election precinct, each trustee shall act as judge in the precinct in which he resides, unless they all reside in the same precinct, when the two only whose terms first expire shall so act therein, and the other shall act as judge in any other precinct; and additional judges, so that there shall be four judges at each precinct, shall be appointed.

Fifth—In all public elections, in townships not divided into election precincts, there shall be two clerks, having the qualifications therein, one of whom shall be the township clerk. In townships divided into election precincts, there shall be two clerks in each precinct; the township clerk shall act as one of the clerks in the precinct in which he resides.

Judges and
clerks of elec-
tion for municip-
al precincts;
exceptions.

Sec. 2933. Judges of election for each ward precinct of a municipal corporation, except in cities having a board of elections as provided in section two thousand nine hundred and twenty-six and the sections supplementary thereto, shall be constituted and chosen as follows:

First—If the ward is not divided into precincts, the two councilmen of the ward and the elector who was a member of a political party to which one or both of the councilmen did not belong, who received the highest number of votes for councilman of those voted for and not elected, at the preceding spring election, shall be judges; but if two or more of such electors not chosen received the same number of votes, the clerk of the corporation shall publicly determine by lot which shall be eligible; judges of election so

chosen shall serve as such for one year, and until their successors are chosen and qualified.

Second—In every ward divided into election precincts, the two councilmen shall be judges of election in the precincts in which they respectively reside; and additional judges, so that there shall be four judges at each precinct, shall be appointed.

Third—In all municipalities not divided into wards and having a population of not less than two thousand according to the last federal census, and not of themselves forming a separate voting precinct, when municipal officers are to be elected there shall be a separate set of judges and clerks to conduct the election for municipal, township and board of education officers to be voted for by the electors of any such municipality. Such judges and clerks shall be appointed by the deputy state supervisors of the county as provided by section 6 of this act. And in all other municipalities not divided into wards and not of themselves forming a separate voting precinct, the deputy state supervisors may determine whether the election officers of the township shall conduct such municipal election or whether a separate set of judges and clerks shall be appointed and required to conduct the election within the municipality.

Sec. 2980. In not less than one nor more than five days after the election, or sooner, in case the returns are made, the deputy state supervisors shall proceed to open the several returns made to them and make abstracts of the votes in the following manner, viz.:

Opening returns and making abstracts of votes.

1st. Upon a single sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state and attorney-general.

2d. Upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner and representatives to congress.

3d. And upon another sheet, an abstract of votes for governor, lieutenant-governor, secretary of state, treasurer of state, attorney-general, state commissioner of common schools, member of the board of public works, judge of the supreme court, clerk of the supreme court, dairy and food commissioner, judge of the circuit court, judge of the common pleas court, representatives to congress, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, primary director and coroner.

Sec. 2982. The deputy state supervisors shall not give any paper as a poll-book of any precinct unless it is delivered to them by one of the judges of the election in such precinct; and, in making the abstracts of votes,

Provisions relating to poll-books, abstracts, and validity of returns.

they shall not decide on the validity of the returns, but shall be governed by the number of votes stated in the returns; and they shall certify and sign the abstracts and deposit the same in the office of the deputy state supervisors.

Making and transmission of certified copies of abstracts.

Sec. 2983. The deputy state supervisors shall make and certify duplicate copies of abstract number one, and inclose and seal the same, and indorse on the envelope "Certificate of the votes for governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state and attorney-general" (either or all as the case may be), and the name of the county in which the votes were given; and shall direct and forward one copy thereof by mail to the president of the senate, at Columbus, and shall deliver the other copy to a member of the general assembly, who shall deliver the same to the president of the senate, at Columbus; and shall also forthwith make, certify, seal and indorse, in manner aforesaid, a copy of abstracts numbers two and three, and transmit the same by mail to the secretary of state, at Columbus.

Making, filing and transmission of certified copies of abstracts in election to fill vacancy in office of member of congress.

Sec. 2989. In any election for member of congress, to fill a vacancy, the deputy state supervisors of each county embraced in the district in which the election is held shall, within six days after the election, make, and certify an abstract, in duplicate, of the votes cast at such election in their county. Such deputy state supervisors shall file one copy of the abstract in their office and shall inclose the other in an envelope, so indorsed as to show distinctly that it is an abstract of votes, for what office and from what county, and transmit it, without delay, to the secretary of state; if the secretary of state fails to receive the abstract from any county within twelve days after such election, he shall forthwith notify the deputy state supervisors of such county thereof; and they shall, on receipt of the notice, forthwith make and transmit to the secretary of state a certified copy of the duplicate on file in their office.

Making and transmission of certified copies of abstracts and certificates of election in circuits and districts.

Sec. 2994. When two or more counties are joined in a judicial circuit, or in a judicial, senatorial or representative district, the deputy state supervisors of each county of such circuit or district having a population not the largest shall make and, within eight days after the day of election, transmit by mail to the deputy state supervisors of the county in the circuit or district having the largest population an abstract showing the number of votes given in each election precinct in such county for each person who received votes for any office to be filled by the circuit or district; such abstract shall be attested by the deputy state supervisors and inclosed in an envelope so indorsed as to show distinctly, that it is an abstract of votes, for what offices, and from what county; and it shall be opened and canvassed, as provided in section 2980, by the deputy state supervisors to whom transmitted, who shall incorporate the same in an abstract with the returns from the precincts of their count

for such offices, and shall make and transmit to the persons elected certificates of their election.

Sec. 2929. The polls shall be open at five thirty o'clock central standard time in the forenoon, and kept open up to and closed at five thirty o'clock central standard time in the afternoon of the same day. Provided, that in cities of the first grade of the first class the polls shall be closed at the hour of four o'clock in the afternoon as provided by law in section twenty-nine hundred and twenty-six *o* (2926*o*) of the Revised Statutes.

When polls to be opened and closed.

Cincinnati.

Sec. 2993. If any number of persons greater than the number of county offices directed to be filled at any election have the highest and an equal number of votes, the deputy state supervisors aforesaid shall determine by lot which of the persons shall be duly elected; and if, at any election for senators or representatives to the general assembly, there is no choice in any instance, on account of two or more persons having received the highest and an equal number of votes, the deputy state supervisors issuing the certificates of election shall publicly determine by lot who of those having such equal number of votes shall be elected; such decision by lot shall be made in their office aforesaid, at ten o'clock a. m. on the eighth day after the election; and in such case the deputy state supervisors shall not be required to forward the returns of the election until such decision by lot has been made.

Tie votes for county officers and members of the general assembly to be determined by lot.

Sec. 2995. The deputy state supervisors shall, without fee, make, and, upon demand, deliver to the persons elected respectively to the offices of probate judge, clerk of the court of common pleas, sheriff, coroner, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney, infirmary director, and senator and representative to the general assembly, certificates of their election; and they shall also make, for any elector of his county, upon being paid one dollar therefor, an abstract of votes cast at any election to fill any of said offices.

Certificates of election of certain officers; abstracts of votes for such officers.

SECTION 4. That an act entitled "An act to provide for the making of returns, canvassing the vote and certifying the election of certain officers elected at April and special elections," passed March 31, 1892 (O. L., vol. 89, p. 208), be amended so as to read as follows:

Certain officers elected at April and special elections:

Sec. 1. That whenever any judge of any court of this state, representative of the general assembly, or other district or county officer, is to be elected at any April or special election, the judges of such election shall make return of the poll-books of such election to the deputy state supervisors of their respective counties, and they shall, on the sixth day or sooner in case the returns are all made, proceed to open such returns and make an abstract of the votes cast for such officers, and make and deliver to the person or persons elected certificates of their election.

Returns, abstracts and certificates of election of certain officers elected at April or special elections.

When two or more counties joined in same circuit or district.

Provided, however, if such officer is to be elected by two or more counties joined in the same circuit or district, then the deputy state supervisors of the county or counties comprising such circuit or district, excepting the chief deputy state supervisor of the county in such circuit or district having the largest population, shall, within eight days after such election, transmit by mail to the deputy state supervisors of the county in such circuit or district having the largest population an abstract showing the number of votes given in each precinct in their respective counties for each person who received votes for any office to be filled by such circuit or district; such abstract shall be attested by the chief deputy state supervisor and clerk of the board, and inclosed in an envelope, so indorsed as to show distinctly that it is an abstract of votes, for what office or offices, and from what county the same was transmitted; and such abstract shall be canvassed by the deputy state supervisors to whom transmitted, who shall incorporate the same in an abstract with returns from the precincts of their county for such office or offices, and make and transmit to the person or persons elected certificates of their election.

Repeals.

SECTION 5. That sections 3, 4, 5, 6 and 8 of an act passed April 18, 1892 (O. L., vol. 89, p. 455), are repealed; also sections 1, 2, 3, 4, 5, 9, 10, 11, 13, 14, 15, 16, 17, 19, 22, 24, 25, 36 and 37 of an act passed April 18, 1892 (O. L., vol. 89, p. 432), are repealed; also sections 1252, 2928, 2932, 2932a, 2933, 2965, 2969, 2980, 2981, 2982, 2983, 2989, 2994, 2999, 2957, 2961, 2963, 2993 and 2995 of the Revised Statutes are repealed; also the act passed March 31, 1892 (O. L., vol. 89, p. 208), entitled "An act to provide for the making of returns, canvassing the vote and certifying the election of certain officers elected at April and special elections," and the act passed March 30, 1893, entitled "An act to amend section 1 of the act entitled 'an act amendatory of and supplementary to an act entitled 'an act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and repeal certain statutes therein named,' passed April 30, 1891,' as amended April 18, 1892," and the act passed March 2, 1893, entitled "An act to amend section 8 of an act entitled 'an act to create a state supervisor of elections with deputy state supervisors for the conduct of elections in the state of Ohio,' passed April 18, 1892," are repealed; also the act of March 31, 1892 (O. L., 89, p. 205), entitled "An act to provide for the mode of conducting elections, to insure the secrecy of the ballot and prevent fraud and intimidation at the polls, and to repeal certain statutes therein named," passed April 30, 1891, and amended March 18, 1892, is repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
 ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
 382G

[Senate Bill No. 577.]

AN ACT

Relating to certain proposed amendments to the constitution of Ohio and the publication thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That at the general election to be held on the first Tuesday after the first Monday of November, 1893, the judges and clerks of election in each township, ward and precinct shall, in addition to the returns provided by law, at the same time make return of the vote cast for and against any proposed amendments that may be submitted to the voters of the state for adoption or rejection at such election.

Return of vote
on prop sed
amendment- to
constitution.

SECTION 2. A return, additional to the return now required by law to be made of the votes cast at such election for state officers and senators and representatives, and also for and against said proposed amendment or amendments to the constitution, shall be certified and made by the deputy supervisors of elections of each county to the state supervisor of elections, within ten days after said election; and within twenty days after said election the governor, secretary of state and attorney-general shall open said returns, and count the votes, and ascertain whether or not a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them; and if it appears that a majority of the votes cast at said election have been cast for said proposed amendment or amendments, or either of them, the governor shall make proclamation thereof without delay.

Return to state
supervisor of
elections.

Canvass thereof.

Governor's
proclamation.

SECTION 3. The state supervisor of public printing shall cause the amendments to the constitution proposed at the present session of the general assembly to be published once each week in not less than one newspaper in each county of the state wherein a newspaper is published, once each week for six months, and until the first Tuesday after the first Monday of November, 1893, and in counties where newspapers represent each of the two leading political parties, when such amendments shall be published in one newspaper of each political party once each week for six months, and until said first Tuesday after the first Monday of November, 1893; and in counties having a German newspaper of general circulation, once a week in a German newspaper for

Publication of
proposed
amendments.

Charges for publication; payment of cost.

said time; and in counties having two German newspapers of opposite politics, of general circulation in the county, it shall be published in each of such German newspapers.

SECTION 4. The charges for publication shall not exceed sixty per cent. of the rates established in section four thousand three hundred and sixty-six (4366) of the Revised Statutes for legal advertising. The cost of publication shall be paid out of the state treasury from any money not otherwise appropriated, upon the warrant of the auditor of state, upon vouchers approved by the supervisor of public printing, who shall make legal measurement of the matter published.

SECTION 5. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
383G

[House Bill No. 1097.]

AN ACT

To reimburse Edward W. Simpson, of Springfield, Ohio, for money paid and lumber furnished for the use and benefit of the second brigade Ohio national guard.

Appropriation for Edward W. Simpson.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and there is hereby appropriated out of any money to the credit of the general revenue fund, not otherwise appropriated, the sum of three hundred and sixty-nine and eighty-eight-hundredths dollars, to pay Edward W. Simpson for lumber furnished and cash paid for the use and benefit of the second brigade Ohio national guard, in July, 1886, and the auditor of state is hereby authorized and directed to issue his warrant on the treasurer of state for said amount, payable to the said Edward W. Simpson.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
384G

[House Bill No. 1433.]

AN ACT

To compel the elementary education of children.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed, in reading, spelling, writing, English grammar, geography and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years, shall send such child to a public, private or parochial school, for the following period: In city districts, in each school year beginning September first, not less than twenty weeks, at least ten weeks of which, commencing within the first four weeks of the school year, shall be consecutive; and in special, village and township districts, not less than sixteen weeks in each school year, eight of which, commencing within the first four weeks of the school year, shall be consecutive, unless the child is excused from such attendance by the superintendent of the public schools, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, or by the principal of the private or parochial school, upon a satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or the clerk of the board of education in special, village and township districts not having such superintendent, to teach the branches named in this section. In case such superintendent, principal or clerk refuse to excuse a child from attendance on school, an appeal may be taken from such decision to the probate judge of the county, upon the giving of a bond, within ten days after such refusal, to the approval of said judge, to pay all the costs of the appeal, and the decision of the probate judge in the matter shall be final. All children between the ages of eight and sixteen years, not engaged in some regular employment, shall attend school for the full term the schools of the district in which they reside are in session during the school year, unless excused for the reasons above named.

Branches in which children to be instructed.

Required time of attendance at school.

Excuse from such attendance.

Appeal in case of refusal to excuse.

Attendance for full term.

SECTION 2. No child under the age of fourteen years shall be employed by any person, company or corporation during the school term, and while the public schools are in session, unless the parent, guardian or person in care of such child, shall have fully complied with the requirements of section one of this act. Every person, company or corporation shall require proof of such compliance before employing any such minor, and shall make and keep a written record of the proof given, and shall, upon the request of the truant officer hereinafter provided for, permit him to examine such record,

Employment of children under age of fourteen years.

Penalty. and also the record provided for by section 6986aa of the Revised Statutes. Any person, company or corporation employing any child contrary to the provisions of this section, shall be fined not less than twenty-five nor more than fifty dollars.

Half-day attendance of minors in certain cases.

SECTION 3. All minors over the age of fourteen and under the age of sixteen years, who can not read and write the English language, shall attend school at least one-half of each day, or attend a public night school, or take regular private instruction from some person qualified, in the opinion of the superintendent of schools in city or other districts having such superintendent, or the clerk of the board of education in special, village and township districts not having such superintendent, to teach such branches, until such minor obtain a certificate from such superintendent or clerk, that he or she can read at sight and write legibly simple sentences in the English language. Every

Employment of such minors.

person, company or corporation employing, or having in employment any such minor, shall exact the school attendance or instruction required by this section, as a condition of employment, and shall, on request of the truant officer hereinafter provided for, furnish evidence that such minor is complying with the requirements of this section. Every person, company or corporation which employs, or has in employment, any such minor without exacting the school attendance or instruction required by this section, or employs or has in employment any such minor who is not complying with the requirements of this section, shall be fined not less than twenty-five nor more than fifty dollars. Provided, any employer may, with the approval of the superintendent or clerk above mentioned, make provision for the private instruction of such minors in his employ.

Penalty.

Private instruction of such employed minors.

Juvenile disorderly persons.

SECTION 4. Every child between the ages of eight and fourteen years, and every child between the ages of fourteen and sixteen years unable to read and write the English language, or not engaged in some regular employment, who is an habitual truant from school, or who absents itself habitually from school, or who, while in attendance at any public, private or parochial school, is incorrigible, vicious or immoral in conduct, or who habitually wanders about the streets and public places during school hours having no business or lawful occupation, shall be deemed a juvenile disorderly person, and be subject to the provisions of this act.

Truant officers

SECTION 5. To aid in the enforcement of this act, truant officers shall be appointed and employed as follows: In city districts the board of education shall appoint and employ one or more truant officers; in special, village and township districts the board of education shall appoint constable or other person as truant officer. The compensation of the truant officer shall be fixed by the board appointing him. The truant officer shall be vested with police powers, and shall have authority to enter workshops, factories

stores, and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation violating any provisions of this act, and shall otherwise discharge the duties prescribed in this act, and perform such other services as the superintendent of schools or the board of education may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce this act. The truant officer shall keep a record of his transactions for the inspection and information of the superintendent of the schools and the board of education; and he shall make daily reports to the superintendent of schools during the school term in cities, and to the clerk of the board of education, as often as required by him, in special, village and township districts. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

SECTION 6. It shall be the duty of all principals and teachers of all schools, public, private and parochial, to report to the clerk of the board of education of the city, special, village or township district in which the schools are situated, the names, ages and residence of all pupils in attendance at their schools, together with such other facts as said clerk may require, in order to facilitate the carrying out of the provisions of this act; and the clerk shall furnish blanks for such purpose, and such report shall be made in the last week of September, December, February and April of each year. It shall be the further duty of such principals and teachers to report to the truant officer, the superintendent of public schools, or the clerk of the board of education, all cases of truancy or incorrigibility in their respective schools as soon after these offenses have been committed as practicable.

Reports of principals and teachers.

SECTION 7. On the request of the superintendent of schools or the board of education, or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy within his district, and warn the truant and its parents, guardian or other person in charge, in writing, of the final consequences of truancy if persisted in. When any child between the ages of eight and fourteen years, or any child between the ages of fourteen and sixteen years who can not read and write the English language or is not engaged in some regular employment, or any child between the ages of fourteen and sixteen years who has been discharged from employment to obtain instruction or schooling, is not attending school without lawful excuse and in violation of the provisions of this act, the truant officer shall notify the parent, guardian or other person in charge of such child, of that fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within five days from the date of the notice; and it shall be the duty of the parent,

Proceedings in cases of truancy.

Penalties imposed upon parents, guardians, etc.

guardian or other person in charge of the child, so to cause its attendance at some recognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child, in any court of competent jurisdiction in the city, special, village or township district in which the offense occurs, for such failure, and upon conviction, the parent, guardian or other person in charge, shall be fined not less than five dollars nor more than twenty dollars, or the court may, in its discretion, require the person so convicted to give a bond in the penal sum of one hundred dollars, with sureties to the approval of the court, conditioned that he or she will cause the child under his or her charge to attend some recognized school within five days thereafter, and remain at such school during the term prescribed by law. And upon the failure or refusal of any such parent, guardian or other person to pay said fine or furnish said bond according to the order of the court, then said parent, guardian or other person shall be imprisoned in the county jail not less than ten days nor more than thirty days.

Proceedings against juvenile disorderly persons; provisions relating to such persons.

SECTION 8. If the parent, guardian or other person in charge of any child shall, upon the complaint under the last section for a failure to cause the child to attend a recognized school, prove inability to do so, then he or she shall be discharged, and thereupon the truant officer shall make complaint that the child is a juvenile disorderly person within the meaning of section 4 of this act. If such complaint be made before any mayor or justice of the peace, it shall be certified by such magistrate to the probate judge. The probate judge shall hear such complaint, and if he determine that the child is a juvenile disorderly person within the meaning of section 4 hereof, he shall commit the child, if under ten years of age, and eligible for admission thereto, to a children's home, or if not eligible, then to a house of refuge if there be one in the county, or to the boys' industrial school or the girls' industrial home, or to some other juvenile reformatory. No child over ten years of age shall be committed to a county children's home, and any child committed to a children's home, may, on request of the trustees of such home, and it being shown that it is vicious and incorrigible, be transferred by the probate judge to the boys' industrial school or the girls' industrial home. A child committed to any juvenile reformatory under this section, shall not be detained there beyond the age of sixteen years and may be discharged sooner by the trustees under the restrictions applicable to other inmates. Any order of commitment to a juvenile reformatory may be suspended, in the discretion of the probate judge, for such time as the child may regularly attend school and proper conduct itself. The expense incurred in the transportation of a child to a juvenile reformatory and the costs in the case in which the order of commitment is made, shall be paid by the county from which the child is committed, after

the manner provided in section 759 of the Revised Statutes. Provided, further, that if for any cause the parent, guardian or other person in charge of any juvenile disorderly person as defined in section 4 hereof, shall fail to cause such juvenile disorderly person to attend school, then complaint against such juvenile disorderly person shall be made, heard and determined in like manner as provided in case the parent proves inability to cause such juvenile disorderly person to attend school.

SECTION 9. When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support or care for others legally entitled to its services, who are unable to support or care for themselves, the truant officer shall report the case to the authorities charged with the relief of the poor, who shall thereupon, if the case be a meritorious one, afford such relief as will enable the child to attend school the time each year required under this act. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. In case the child or its parents or guardian refuse or neglect to take advantage of provisions thus made for its instruction, such child may be committed to a children's home or a juvenile reformatory, as provided in section 8 hereof. Boards of education, in urgent and deserving cases where no other relief is available, and where neither parents nor child are at fault, may make suitable temporary arrangements for the instruction of the child, described in this section, either at home or at school, and for such purpose may incur necessary expense to be paid out of the school funds of the district.

Relief to enable child to attend school required time.

SECTION 10. The provisions of this act shall apply to children entitled, under existing statutes, to attend school at the institution for the deaf and dumb or the institution for the blind, so far as the same are properly enforceable. Truant officers shall, within sixty days after the passage of this act, and annually between the first day of July and the first day of August, report to the probate judges of their respective counties the names, ages and residence of all such children between the ages of eight and eighteen years, with the names and post-office address of their parents, guardians or the persons in charge of them; also a statement whether the parents, guardian or person in charge of each child is able to educate and is educating the child, or whether the interests of the child will be promoted by sending it to one of the state institutions mentioned. Upon information thus or otherwise obtained, the probate judge may fix a time when he will hear the question whether any such child shall be required to be sent for instruction to one of the state institutions mentioned, and he shall thereupon issue a warrant to the proper truant officer or some other suitable person, to bring the child before such judge at his office at the time fixed for

Provisions applicable to children entitled to attend school at institution for the deaf and dumb or institution for the blind.

the hearing; and shall also issue an order on the parents, guardian or person in charge of the child, to appear before him at such hearing, a copy of which order, in writing, shall be served personally on the proper person by the truant officer or other person ordered to bring the child before the judge. If, on the hearing, the probate judge is satisfied the child is not being properly educated at home, and will be benefited by attendance at one of the state institutions mentioned, and is a suitable person to receive instruction therein, he may send or commit such child to such institution. The cost of such hearing, and the transportation of the child to such institution shall be paid by the county after the manner provided, where a child is committed to a state reformatory under section 8 hereof; provided, nothing in this section contained shall be construed to require the trustees of either of the state institutions mentioned, to receive any child not a suitable subject to be received and instructed therein, under the laws, rules and regulations governing such institutions.

Penalties.

SECTION 11. Any officer, principal, teacher or person mentioned in this act, neglecting to perform any duty imposed upon him by this act, shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense. Any officer or agent of any corporation violating any provision of this act, who participates or acquiesces in or is cognizant of such violation, shall be fined not less than twenty-five dollars nor more than fifty dollars. Any person who violates any provision of this act for which a penalty is not elsewhere in this act provided, shall be fined not more

Jurisdiction.

Violations by corporation.

than fifty dollars. Mayors, justices of the peace, and probate judges shall have jurisdiction to try the offenses described in this act, and their judgment shall be final. When complaint is made, information filed, or indictment found against any corporation for violating this act, summons shall be served, appearance made or plea entered, as provided in section 7231, Revised Statutes, except that in complaints before magistrates, service shall be made by the constable.

Notification and attendance of board of county visitors of charitable and correctional institutions.

In every case of complaint against a child involving commitment to any children's home or juvenile reformatory, the board of county visitors shall be notified and must attend and protect the interests of the child on the hearing, as provided in the act of March 29, 1892 (89 O. L., 160); and the order of commitment of the child to a state reformatory must show that the county visitors were so notified and attended the hearing.

Repeated violations.

SECTION 12. Every person who, after being once convicted for violating any of the provisions of this act, shall be convicted of again violating any of the provisions of this act, may, in addition to the punishment by way of a fine elsewhere provided for, be imprisoned not less than ten days nor more than thirty days. On complaint, before a mayor or justice of the peace, of a second violation of this act involving the punishment of imprisonment, if a trial by

jury be not waived, a jury shall be chosen and the case tried, after the manner provided in section 3718a, Revised Statutes.

SECTION 13. This law shall not be operative in any school district where there are not sufficient accommodations in the public schools to seat children compelled to attend the public schools under the provisions of this act. It is hereby made the duty of every board of education in this state to provide sufficient accommodations in the public schools for all children in their district compelled to attend the public schools under the provisions of this act. Authority to levy the tax and raise the money necessary for such purpose, is hereby given the proper officers charged with such duty under the law.

Where law inoperative.

Accommodations for children compelled to attend school

In whom authority to levy tax and raise money vested.

SECTION 14. It shall be the duty of the state commissioner of common schools, within sixty days after the passage of this act, and from time to time thereafter whenever he may deem it advisable, to formulate and forward to the boards of education throughout the state, regulations and suggestions for the instruction and guidance of all boards, officers, superintendents, principals, teachers and persons charged with the enforcement of this act, or any of its provisions.

Duty of state commissioner of common schools.

SECTION 15. An act entitled "An act to compel children under fourteen years of age to attend school a certain length of time each year," passed April 15, 1889 (86 O. L., 333), and all acts amending the same or any section thereof, are hereby repealed. Any provision of any law now in force which conflicts with any provision of this act, shall, to the extent of such conflict and inconsistency, but not otherwise, be held to be superseded by the provisions of this act.

Repeals, etc.

SECTION 16. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.
385G

[House Bill No. 1820.]

AN ACT

To supplement section 3550 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3550 of the Revised Statutes be supplemented, with sectional numbering as follows:

Corporations:

Sec. 3550a. In cities of the first grade of the first class companies and gas light and coke companies organized under the laws of this state for the purpose of manufacturing and supplying gas for lighting the streets and public private buildings and places, shall have, in addition to powers already conferred, all the powers, privileges and

Gas and gas light and coke companies vested with powers, privileges and franchises of electric light companies in Cincinnati.

franchises of electric light companies to construct, maintain and operate electric light plants and stations, with all fixtures and appliances necessary for furnishing electric light, heat and power to such cities and the inhabitants thereof; and such companies may lease or purchase, maintain and operate existing electric light plants and stations, together with all the fixtures, appliances, equipments and other property thereunto belonging, including the capital stock, rights and franchises of any existing company or companies, person or persons, owning the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

886G

[House Bill No. 1055.]

AN ACT

To amend section 8723 of the Revised Statutes of Ohio.

Ohio state university:

Annual report of trustees.

Fiscal year.

Printing and distribution of report.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 8723 of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 8723. The board of trustees shall cause to be made on or before the first of October of each year a report to the governor of the condition of said university; the amount of receipts and disbursements, and for what the disbursements were made; the number of professors, officers, teachers, and other employes and the position and compensation of each; the number of students in the several departments and classes, and the course of instruction pursued in each; also an estimate of the expenses for the ensuing year; a statement showing the progress of the university, recording any improvements and experiments made, with their costs, and the results, and such other matters as may be supposed useful. Said annual report shall be for the year ending June thirtieth, and the said Ohio state university is hereby exempted from the provisions of section 172, Revised Statutes of Ohio. There shall be printed under the provisions of section 58 of the Revised Statutes of Ohio, as amended May 1st, 1891 (O. L. v. 88, p. 498), five thousand copies of the said annual report, to be distributed by the trustees in such manner as they shall deem best for the interest of said university. The president of said university shall transmit by mail one copy to the secretary of the interior, one copy to the secretary of agriculture, and one copy to each of the colleges which are or may be endowed under the provisions of the act of congress of July 2d, 1862.

SECTION 2. Said original section number 8723 is hereby repealed, and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.

387G

[House Bill No. 1143.]

AN ACT

To amend section 6285 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6285 of the Revised Statutes of the state of Ohio be amended so as to read as follows:

Sale of real
estate by
guardian:

Sec. 6285. Upon the appraisement of said real estate being filed, signed by said appraisers, the court shall require such guardian to execute a bond, with sufficient freehold sureties, at least two in number in addition to the principal, payable to the state in double the appraised value of such real estate, with condition for the faithful discharge of his duties and the faithful payment and accounting for of all moneys arising from such sale according to law, which bond shall be additional to that given by the said guardian at the time of his appointment; and no court shall have power to waive the giving of said additional bond, nor jurisdiction to order the sale of such real estate until the same shall have been given.

Guardian to ex-
ecute additional
bond before
sale.

SECTION 2. That said original section 6285 of the Revised Statutes be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.

388G

[House Bill No. 1154.]

AN ACT

To amend section 621a of the Revised Statutes of Ohio, as amended May 4, 1891.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 621a, as amended May 4, 1891, be and the same is hereby amended so as to read as follows:

Justices of the
peace:

Salary, clerk
hire, office rent
and furniture,
blanks and stationery in Cleveland.

Salary, clerk
hire, office,
blanks, stationery and number in Cincinnati township, Hamilton county.

Repeals.

Sec. 621a. In all cities in this state of the second grade of the first class, each justice of the peace, for services rendered, shall receive in lieu of all fees a salary of eighteen hundred dollars, and six hundred dollars for clerk hire, and not exceeding three hundred dollars for office rent, per annum, payable out of the city treasury in quarterly payments, on the first Saturday of January, April, July and October in each year, together with such suitable office furniture as the council of such cities may provide, not exceeding in value two hundred (\$200) dollars; the said furniture when so provided to be and remain the property of the city, and to be turned over by each outgoing justice of the peace to his successor in office; he shall also be provided by such council with all necessary blanks and stationery; and in all townships whose boundaries are or which may hereafter be wholly within the limits of a city of the first grade of the first class, each justice of the peace shall, in like manner, receive a salary of two thousand five hundred dollars per annum, and seven hundred and fifty dollars for clerk hire, and shall be provided with such suitable office accommodations together with all necessary blanks and stationery as the board of legislation or other legislative body having like powers of each of such cities may direct. And hereafter there shall be not more than five justices of the peace for each of such townships, but the provisions of this act shall not be construed so as to prevent any present incumbent of such office from serving out the full term to which he has been elected. And in all such townships where there are more present incumbents of said office than the number to be hereafter elected, no election shall be held for justice of the peace therein until by expiration of their term of office the number of justices of the peace therein has been reduced to five, and thereafter elections shall be held in such townships to fill all vacancies occurring in such office.

SECTION 2. That said section 621a of the Revised Statutes, as amended May 4, 1891, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

389G

[House Bill No. 1427.]

AN ACT

To amend supplementary section 4022a of the Revised Statutes of Ohio, passed April 7, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplementary section 4022a of the Revised Statutes of Ohio be so amended as to read as follows:

Sec. 4022a. The board of education of any township district, subdistrict, special or joint subdistrict within the state of Ohio, shall permit children of school age who reside further than one and a half miles from the school where they have a legal residence under the school laws of Ohio, to attend the nearest subdistrict, special or joint subdistrict school; and the per capita current expense of running the school in the district where such children attend, for the term so attending, shall upon demand of the board of education of such district be paid by the board of education of the district where such children have a legal residence. The per capita cost of running the school in all cases shall be the quotient produced by dividing the total current expense of running such school, by the total number of children of school age in such district. All acts or parts of acts, so far as they may be inconsistent with the provisions hereof, are hereby declared void as to such inconsistency, but not otherwise.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

390G

[House Bill No. 1665.]

AN ACT

To further supplement section 2293 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2293 be and the same is hereby further supplemented with sectional numbering as follows:

Sec. 2293f. Whenever, heretofore, in cities of the first grade of the first class, contracts have been made for the improvement of any street or highway under sections 2293a, 2293b, 2293c, 2293d or 2293e of the Revised Statutes by improving such street or highway partly with granite block and partly with crushed granite, and during the pro-

Schools:
Children permitted to attend nearest school.

Per capita expense.

Inconsistent acts void.

Streets and highways:

Payment of excess of cost over estimate caused by substitution of material in improvement of streets or highways in Cincinnati.

ress of the work it has been deemed necessary by the board of administration to change or modify the plans of such improvement by substituting granite block for crushed granite, and the cost of said granite block so substituted causes the total cost of the work to exceed what the cost would have been if no change had been made, and to exceed the estimate, nevertheless, the board of administration may pay to the contractor such excess over what the cost would have been if no change had been made or the excess over the estimate out of the pavement fund, the granite pavement fund or the additional granite pavement fund.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

391G

[House Bill No. 1682.]

AN ACT

For the relief of Foster R. Warren of Sylvania, Lucas county, Ohio, and to reimburse him for moneys expended and for loss of time caused by a mistake in the election returns for members of the decennial state board of equalization for the 33d district of Ohio, whereby the certificate of election was given to Benj. F. Hyatt when it should have been given to said Warren.

Appropriation
for Foster R.
Warren.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay said Foster R. Warren of Sylvania, Lucas county, Ohio, who at the election held in November, 1890, was duly elected a member of the decennial state board of equalization, but who, through a mistake in the count, was deprived of his certificate, the sum of six hundred dollars (\$600.00), out of any money in the state treasury to the credit of the general revenue fund, not otherwise appropriated; which sum shall be in full liquidation and payment to said Foster R. Warren for loss of time, and money expended, in establishing the fact of his election to the said decennial state board of equalization as aforesaid.

SECTION 2. That this act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

392G

[House Bill No. 1863.]

AN ACT

To supplement section 1088 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1088 of the Revised Statutes be supplemented by an additional section with sectional numbering so as to read as follows:

County treasurer:

Sec. 1088a. In all counties which at the federal census of 1890 had or which at any subsequent federal census may have a population of not less than 59,000 nor more than 60,000, the county treasurer shall have an office open for receiving taxes in each township in the county having a population of not less than three thousand, and within which is located a bank of deposit, at which place the county treasurer shall attend and receive taxes, for not less than two days, at such times prior to the 20th day of December and the 20th day of June each year, as shall be fixed for that purpose as herein provided. The county treasurer in all such counties shall fix and determine the time and place at which he will attend to receive taxes as aforesaid; two weeks' notice of the time and place for receiving such taxes shall be given by publication in some newspaper of general circulation, and by posting notices thereof in three public places in the township.

Township offices for receipt of taxes in Columbiana county.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
398G

[House Bill No. 1871.]

AN ACT

To supplement section 2270 of the Revised Statutes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2270 of the Revised Statutes be supplemented with sectional numbering as follows:

Assessments:

Sec. 2270 [c]. That in any municipal corporation in this state, having by the federal census of 1890, or that may by any subsequent federal census, have a population of not less than 7,065, nor more than 7,075, notwithstanding the provisions of said section 2270, the assessment or tax specially levied, mentioned in said section 2270, and for the purpose therein named, may be an amount not to exceed fifty per centum of the value as assessed for taxation of and upon any lots or lands in any such cities, on which there are no buildings, and on either side of which

Special assessments on vacant lots in Fostoria.

along the line of the improvement, either mediately or immediately, the lots and lands or a part thereof have been improved.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

400G

[House Bill No. 1882.]

AN ACT

To amend an act entitled "An act to require the destruction of certain illegal and invalid township bonds issued for railroad purposes, now on deposit in the state treasury," passed April 21st, 1893.

Preamble.

WHEREAS, There is now in the state treasury the following bonds issued under the act of April 23, 1872 (69 O. L. 85), by the townships named, for the purpose of aiding in the building of railroads, to wit: Bonds of Spencer township, Allen county, Ohio, \$12,500.00; bonds of Cambridge township, Guernsey county, Ohio, \$30,000.00; bonds of Upper township, Lawrence county, Ohio, \$130,000.00; bonds of Marion township, Marion county, Ohio, \$135,000.00; bonds of Adams township, Washington county, Ohio, \$24,000.00; and

WHEREAS, The act under which these bonds were issued has been declared by the supreme court unconstitutional and void; and the bonds are invalid and illegal and no steps have been taken to negotiate or dispose of the same by the townships issuing them; and the time when the bonds, if they had been negotiated, would mature, has expired, and they are utterly valueless and worthless and should be canceled and destroyed; therefore,

Cancellation and destruction of certain invalid and illegal township bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the treasurer of state, taking to his assistance the auditor of state and attorney-general, shall, within ten days after the passage of this act, cancel and destroy the said bonds by burning. A certificate of such cancellation and destruction, signed by the officers named, shall be entered on the record or register of such bonds, if there be one, in the treasury department, and filed in the said treasury, and a like certificate deposited with the auditor of state, and also a copy forwarded by the treasurer of state to the trustees of the townships issuing the bonds, to be preserved by them.

SECTION 2. This act shall take effect and be in force from and after its passage, and the act passed April 21st, 1893, as above entitled, is repealed. Repeals, etc.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
402G

[Senate Bill No. 46.]

AN ACT

To amend sections 262 and 263 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section number two hundred and sixty-two (262) and section number two hundred and sixty-three (263) of the Revised Statutes of Ohio be so amended as to read as follows : Railroad and telegraph companies.

Sec. 262. All prosecutions against railroad or telegraph companies, or any officer, agent or employe thereof, for forfeitures, penalties or fines, without imprisonment, provided for in this chapter, and other sections of the statutes and laws of Ohio, if not otherwise specifically stated, shall be by civil action in the name of the state; and all prosecutions for penalties involving imprisonment shall be by indictment. Prosecutions.

Sec. 263. The civil action provided for in the next preceding section shall be brought by the prosecuting attorney of the proper county at the instance of said commissioner of railroads and telegraphs; and in case said commissioner fail to so instruct the said prosecuting attorney of the proper county, upon the written request of any taxpayer of the county to commence civil action provided for in the next preceding section, said prosecuting attorney shall do so, provided he is furnished with evidence which in his judgment will probably sustain such action, and if the action fail the costs in such case shall be adjudged against the county, except in such cases as hereinafter provided; provided, further, that where cause of civil action, arises, as provided for in the next preceding section, within the boundary lines of any municipality, in addition to the provisions already provided for in this section for instituting prosecutions of civil action, the city solicitor of any municipality shall, when required so to do by resolution of the council adopted by a majority of the quorum, institute such proceedings and prosecute them to final judgment. When such action is so brought by a municipality and fails or final judgment in the supreme court, the cost thereof shall be adjudged against such municipality, and time for notice of appeal and giving of bond shall not apply to cases within the meaning of this act. Civil actions.

Repeals.

SECTION 2. That said original sections two hundred and sixty-two and two hundred and sixty-three are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

403G

[Senate Bill No. 116.]

AN ACT

To provide for a uniform system of examination of teachers in the state of Ohio.

County examiners:

Uniform system of examinations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as supplementary to section 4071 of the Revised Statutes, with sectional numbering as follows:

Sec. 4071a. That the secretary of the state board of examiners and the state commissioner of common schools shall prepare a series of questions for each examination to be used in each county of the state of Ohio for the examinations of teachers; and the state commissioner of common schools shall procure the printing of the same and distribute them to the clerks of the several boards of examiners of the several counties in the state. Said questions shall be forwarded in time to reach their destination at least two days before they are required for use. Said questions shall not be opened except in the presence of a majority of the examining board on the day and hour of examination. No county board of examiners shall use any questions for examination of teachers not furnished as herein provided, unless by action of the board they may determine otherwise. Examinations under this act shall be held on the second and fourth Saturday of September, October, November, December, February, March, April, May and June, and nothing in this act shall be so construed as to prevent the several county boards from holding less than eighteen examinations a year.

SECTION 2. This act shall be in force and take effect from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

404G

[Senate Bill No. 272.]

AN ACT

To facilitate the administration of justice by providing for the adjournment of trials to the next following term of court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever a jury shall have been impaneled for the trial of any case, or whenever any action, either at law or in equity, shall be on trial in any common pleas court of any county, if it shall be deemed proper in the discretion of the court, by reason of the approaching termination of any term of said court, or for any other cause, to continue and adjourn such trial to the next succeeding term, it shall be lawful for the court to order and direct that the trial be adjourned to a day certain, on which day the case shall proceed and be disposed of, as if the trial had commenced at such succeeding term, and this act shall apply to pending cases.

Adjournment of trial to next succeeding term of common pleas court.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 25, 1893.

406G

[Senate Bill No. 324.]

AN ACT

To amend sections 4240—2, 4240—3, 4240—4, 4240—5, 4732, and 4732a, of the Revised Statutes of the state of Ohio, as passed February 14, 1884, 81 v., p. 17, and February 26, 81 v., p. 26.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 4730, 4732, 4732a, of the Revised Statutes, passed February 21, 1884, vol. 81, 22, February 14, 1884, 81 v. 17, and February 26, 81 v. 26, be amended so as to read, as follows:

Supervisors and road work:

Sec. 4730. The superintendent of any improved or macadamized road, supervisor of county and township roads, or street commissioner of any city or village, shall, between the 15th and 30th days of June, and between the 1st and 15th days of August, and between the 15th and 30th days of September of each year, cut all brush, briers, Canada or common thistles, or other noxious weeds growing within the limits of any county or township road, improved or macadamized road, street or alley, within their jurisdiction. Such superintendent or supervisor shall be allowed \$1.50 per day for all necessary labor, to be allowed by the trustees and paid by the treasurer out of the road fund then in his hands.

Destruction of brush, briers, Canada and common thistles and other noxious weeds growing within limits of highways.

Supervisor shall be allowed \$1.50 per day for all necessary labor, to be allowed by the trustees and paid by the treasurer out of the road fund then in his hands.

of any such roads may allow any landowner or tenant to cut and destroy any such brush, briars or weeds, growing on such highways, [along] the lands abutting on such highways owned or occupied by such landowner or tenant, and before such work is performed allow and fix a reasonable compensation therefor, which amount shall be credited on the road tax of that year assessed against said premises. The superintendent or manager of any toll road shall cut and destroy all brush, briars and noxious weeds growing within the limits of any such road, between the days of each month as above specified in this section, and in default thereof and for five days thereafter the trustees of any township through which any such road passes shall cause said brush, briars and weeds to be cut and destroyed, and shall have right of action against any such toll road company, for the amount of such work, together with one hundred per cent. penalty, and cost of action to be recovered before any justice of the peace of such county.

Destruction of
Canada and
common thistles
and other nox-
ious weeds
growing upon
lands within
townships.

Sec. 4732. The trustees of any township of this state, upon information in writing, that Canada or common thistles, oxeye daisy, wild parsnip, sweet clover, wild carrots, teasels, burdock or cockle burs, are growing on any lands in their township and are about to spread or mature seed, between the first day of June and the fifteenth day of October of each year, said trustees shall cause notice in writing to be served upon the owner, lessee or agent or tenant having charge of any such lands, notifying such owner, lessee, agent or tenant that Canada or common thistles, or other noxious weeds mentioned in this section, are growing on such lands, and that such Canada thistles or other noxious weeds shall be cut and destroyed within five days after the service of such notice; and in default thereof, that said township trustees will enter upon such lands and cut and destroy such Canada or common thistles or other noxious weeds; and that the cost of cutting such Canada or common thistles or other noxious weeds, with the cost of such notice, will become a lien against said lands. Any constable or deputy, marshal of any city or village, or deputy, is hereby authorized to make service and return of any such notice, and the fees for such services and return shall be the same as are allowed for service and return of summons in civil cases before magistrates. If any owner, lessee, agent or tenant having charge of any such lands shall fail to comply with such notice, the township trustees shall cause said Canada or common thistles or other noxious weeds to be cut and destroyed, and may employ any person to perform such labor, and allow such person fifteen cents per hour for the time occupied in performing such labor, and pay the sum for such labor out of any money in the treasury of said township not otherwise appropriated, and take receipt for the same. Said township trustees shall make return in writing to the board of commissioners of their county, with a statement of the charges for their services, the amount paid to the person for performing such labor, together with

the fees of the officers who made the service of notice and return, with a proper description of the premises; and the same having been allowed, shall be entered upon the tax duplicate, and shall be a lien against said lands, from and after the date of such entry on the duplicate, and shall be collected as other taxes, and returned to the township with the general fund.

Sec. 4732a. That in all cities and incorporated villages, except cities of the first and second grade of the first class and first and second grade of the second class, the mayor shall, during the month of May of each year, cause notice to be published for two consecutive weeks in one or more newspapers published in the corporation, or by posting up written or printed notices in said city or village at three public places for ten days next previous to the first day of June of each year, warning the owners, lessees or agents of lots and lands within such city or village to cause all Canada or common thistles, or other noxious weeds mentioned in section forty-seven hundred and thirty-two, growing on any such lots or lands within said corporation, to be cut and destroyed so that they do not mature seed or spread to adjoining lands. The common council of such city or village shall, upon information in writing that Canada or common thistles or other noxious weeds mentioned in section forty-seven hundred and thirty-two are growing on any such lands, within their corporation between the tenth day of June and the fifteenth day of October of each year, [shall] cause such Canada or common thistles or other noxious weeds to be cut and destroyed so that they do not mature seed or spread to other lands, and said council may employ any person to cut and destroy said noxious weeds and allow such person so employed fifteen cents per hour for the time employed in such labor. And said council shall pay said amount out of any money of the general fund in the treasury of said city or village not otherwise appropriated, and take a receipt therefor. And said council shall make return in writing to the board of commissioners of their county, with a statement of the amount paid for such labor, and one dollar additional, as a penalty on each lot or parcel of land containing less than one acre, and with two dollars on each lot or parcel containing more than one acre. The same having been allowed, the auditor shall enter the amount so certified to him on the tax duplicate of the county against the lots or lands on which said Canada or common thistles or other noxious weeds were cut and destroyed, and the amounts shall be a lien against said lots or lands from and after such entry, and shall be collected as other taxes are collected, and returned to such city or village with the general fund; provided, that [if] any such owner of such lots or lands shall tender to the treasurer of such township in cases of townships, or to the treasurer of such city or village in the case of city or village, the amounts so chargeable against such lots or lands for such labor, together with the penalty as certified to

Destruction of Canada and common thistles and other noxious weeds growing upon lands within cities and villages other than Cincinnati, Cleveland, Columbus and Dayton.

Receipt of costs of such destruction and penalty by township and municipal treasurers.

city or village showing the amount of such charges and penalty, the treasurer shall receive the amount so tendered, upon which said lots and lands shall be discharged from further liability.

Compensation of township trustees; penalty for neglect or refusal to perform duties; disposition of fines.

Sec. 4732b. Township trustees shall be entitled to \$1.50 per day for their services under this act; the mayor of any city or village, or trustees of any township, or superintendent or other officer of any toll road, or superintendent of any improved or macadamized road, or supervisor of any county or township road, or street commissioner of any city or village, who neglects or refuses to perform their duties as mentioned in sections 4730, 4732 and 4732a, shall be fined in the sum of fifty dollars in any court having competent jurisdiction of such cases; such fines shall go into the road fund of the township in cases against township or toll road officers; and into the street fund in cases against mayors or other municipal officers.

Repeals.

SECTION 2. That sections 4730, 4732 and 4732a, are hereby repealed.

SECTION 3. This act shall take effect and be in force on and after the first day of May, 1893.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 25, 1893.

407G

[Senate Bill No. 464.]

AN ACT

To amend section 581 of the Revised Statutes.

Justices of the peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 581 of the Revised Statutes be so amended as to read as follows:

Record of date of commissions; notices of expirations and to fill vacancies.

Sec. 581. Every justice of the peace, when commissioned, shall, in thirty days thereafter, transmit the date thereof to the clerk of the township, who shall make an entry thereof in a book by him to be provided for that purpose, and before the first day of February of each year, the clerk shall give a written notice to the trustees of all commissions expiring within twelve months after the first day of April following, and the date when each such justice's commission will expire, and the trustees, on receiving such notice, shall notify the electors of such township to elect at the next regular spring election thereafter, a justice of the peace to fill each such vacancy, in the manner pointed out in section five hundred and sixty-seven (567); provided, however, that the provisions of this act shall not apply to cities of the first class nor first grade of the second class.

Exception as to certain cities.

SECTION 2. That said original section 581 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
408G

[Senate Bill No. 469.]

AN ACT

To provide for the disposition and care of fixtures and exhibits in the Ohio departments at the world's Columbian exposition.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That at the close of the world's Columbian exposition, at Chicago, Illinois, in 1893, the board of world's fair managers of Ohio be and they are hereby directed to remove from the Ohio exhibit, at the close of the world's Columbian exposition, all show cases, stands, cabinets and other fixtures purchased or erected by the board of world's fairs managers of Ohio for use in the exhibits of agricultural products and other departments pertaining to Ohio industries, except forestry and minerals, together with all exhibits of a permanent nature that are not returnable to the original owners, and place the same in the exhibition buildings on the Ohio state fair grounds at Columbus, as the property of the state, for uses and purposes of the annual Ohio state fair. And they are further directed to remove all show cases, stands, cabinets and other fixtures purchased or erected for use in the exhibits of forestry and minerals together with the exhibits contained therein or thereon not returnable to the original owners, and to place the same as the property of the state at the Ohio state university.

Disposition of
Ohio fixture-
and exhibits at
close of wor d's
Columbian ex-
position.

SECTION 2. The board of world's fair managers of Ohio shall reserve from the appropriation of moneys made by the state, a sufficient sum to defray the expense of such removal and return to the state.

Reserve to de-
fray expenses.

SECTION 3. At the close of said world's Columbian exposition, said board of world's fair managers of Ohio are hereby further directed to sell to the best advantage, all furniture and fixtures contained in the Ohio building at Chicago and paid for by the state, also building or buildings, and cover the moneys received from such sale into the treasury of the state of Ohio.

Sale of furni-
ture, fixtures
and buildings.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 25, 1893.
409G

[Senate Bill No. 526.]

AN ACT

To appropriate money to restore the ancient earthworks and improve and protect the encampment-grounds of the Ohio national guard.

Appropriation
for restoring
ancient earth-
works and im-
proving en-
campment-
grounds of the
Ohio national
guard.

Charge and con-
trol of encamp-
ment-grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated from the general fund the sum of twelve thousand dollars, to be used towards restoring the ancient earthworks and improving the encampment-grounds of the Ohio national guard situated in Licking county, Ohio.

SECTION 2. That said encampment-grounds are hereby put under the charge and control of the adjutant-general of the state of Ohio, whose duty it is hereby made to take charge and control of said grounds, cause the same to be properly protected, to cause all persons that have, or shall hereafter commit any conversion from, or trespass upon or damages to said grounds or property growing upon same, while owned by the state, to be duly prosecuted in the name of the state for such conversion, trespass and damages.

Expenditure of
appropriation,
and report
thereof

SECTION 3. That the adjutant-general shall cause the money appropriated by this act to be judiciously expended for the purposes mentioned in the first section hereof, and shall make a report of such expenditure in his annual report to the governor of Ohio.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
410G

[Senate Bill No. 528.]

AN ACT

To authorize the issue of bonds by municipalities and townships for sanitary purposes in cases of an epidemic.

WHEREAS, There is every reason to believe that Asiatic cholera will visit this country within the next eight months; and

Preamble

WHEREAS, Municipalities already have issued bonds to the amount authorized by law, and under urgent and sudden necessity would have no right or authority to borrow money; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That when in this country any contagious disease has assumed the form of an epidemic, and, in the opinion of the council and board of health, or health officer of any municipality or trustees of any township, it is deemed necessary for the preservation of life and health that the said municipality, or township, shall be put in a better sanitary condition, and there is no fund which can be used for the purpose, the council, or the body in which is vested the legislative power of said municipality, or trustees of any township, are hereby authorized and empowered to borrow money in anticipation of the regular levy for general or street purposes or to issue the bonds of said municipality or township, in any amount necessary to put the municipality or township, and its streets, avenues, lanes and public grounds in good sanitary condition, and so maintain the same; said bonds to be issued as other bonds, and to bear not to exceed six per cent. interest per annum, principal and interest payable at the office of the municipal or township treasurer, and the principal payable within not more than ten years from the date of the issue thereof, and in such denominations as the council or township trustees shall determine. Said bonds shall not be sold or otherwise disposed of at less than their par value; and in case of urgent necessity, the officer in charge of the indebtedness of the municipality or township is hereby authorized to sell said bonds at private sale without advertising the same. The proceeds of said bonds shall be placed in the municipality or township treasury and to the credit of a fund to be known as "the sanitary fund," and shall be used only for the cleaning of the streets, avenues, alleys, lanes and public places, and keeping them clean, and for such other sanitary measures, including necessary quarantine measures to prevent the introduction or spread of cholera, or other epidemic disease, as the board of health, or health officer and council, or township trustees shall deem expedient and necessary for the life and health of the citizens.

Power of municipalities and townships to borrow money in anticipation of regular levies or issue bonds for sanitary purposes in cases of epidemic.

Bonds.

Sanitary fund.

SECTION 2. When bonds are issued under this act the mayor, the civil engineer, the health officer and street commissioner, if there be one, shall constitute a sanitary board, and no work shall be done, men

Sanitary board.

teams employed, except with

Where power of
such board
vested in board
of health.

Limitation as
to use of sani-
tary fund.

Additional levy
of tax.

Limitation.

the consent of this board; and the mayor and health officer [shall be] the executive officers of said board, and shall have the direct and full control, authority and management of all the work, except quarantine, and shall make out all the pay-rolls and certify the same to the council. Provided, that in any municipality where there is no civil engineer or health officer, the power vested in "the sanitary board," as above provided, shall be vested in the board of health, which shall perform all the duties required of said sanitary board.

SECTION 3. Neither said sanitary fund, nor any part thereof, shall be used for any other purpose whatsoever than that specified in this act.

SECTION 4. For the purpose of paying said bonds and interest as they become due, the council is hereby authorized and required to levy a tax, annually, on all the taxable property within said city, in addition to all other levies authorized, in an amount sufficient to pay the principal and interest of said bonds as they fall due.

SECTION 5. No bonds shall be issued under this act on and after January 1, 1894, at which time this act shall be null and void.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 25, 1893.

411G

[Senate Bill No. 585.]

AN ACT

To amend supplementary section 2573c of the Revised Statutes of Ohio, as amended March 17, 1892.

Shops and fac-
tories:

Notice of neces-
sary alterations
or additions.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section 2573c of the Revised Statutes, as amended March 17, 1892 (O. L. vol. 89, p. 113), be amended so as to read as follows:

Sec. 2573c. That said inspectors, if they find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums and machinery in such shops and factories are located so as to be dangerous to employes and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, shall notify the owners, proprietors or agents of such shops or factories to make

the alterations or additions necessary within thirty (30) days; and if such alterations or additions are not made within thirty (30) days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors or owners, said proprietors, owner or agent so notified shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred (\$500) dollars and not less than fifty (\$50) dollars, and ten (\$10) dollars additional for each day after such conviction, until such alterations and additions necessary have been made, which fine shall be paid into the treasury of the county in which conviction is had. The district inspectors shall make a record of all examinations of shops and factories in their respective districts, showing the date when made, the condition in which such shops and factories are found and what changes were ordered, the number of shops and factories in their respective districts, the number of men, women and children employed in each shop or factory, together with all such other facts and information of public interest concerning the condition of such shops and factories as they may think useful and proper, which record shall be filed in the office of the chief inspector every week to be by him recorded, and so much thereof, as may be of public interest, to be included in his annual report. The chief inspector shall issue such instructions, make such rules and regulations for the government of the district inspectors not inconsistent with the powers and duties vested in them by law, as shall secure uniformity of action and proceedings throughout the different districts. The salary of the chief inspector shall be two thousand dollars (\$2,000) per annum and the district inspectors one thousand dollars (\$1,000) each per annum, which salaries and all necessary traveling expenses incurred by said inspectors in the discharge of their official duties, shall be paid out of the treasury of the state, from any fund therein not otherwise appropriated, on the warrant of the auditor, on the presentation to him of the proper vouchers.

Penalty for failure to make such.

Record of examinations.

Instructions, rules and regulations for government of district inspectors.

Salaries and expenses of inspectors.

SECTION 2. That said supplementary section 2573c, as amended March 17, 1892, be and the same is hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.

4.2G

[House Bill No. 485.]

AN ACT

To amend section 2943 of the Revised Statutes.

Conduct of
elections—chal-
lenges:Rejection of
vote of person
who refuses to
take oath, or is
not a legal voter;
oaths of wit-
nesses.

Repeals, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2943 of the Revised Statutes be so amended as to read as follows:

Sec. 2943. If any person refuse to take the oath so tendered, his vote shall be rejected; and after such oath has been taken a majority of the judges may refuse to permit such person to vote if they are satisfied from record evidence, or the testimony adduced before them that he is not a legal voter; otherwise the vote shall be accepted; and they may administer the necessary oaths to all witnesses brought before them to testify to the qualifications of the person offering to vote.

SECTION 2. Original section 2943 of the Revised Statutes is hereby repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 25, 1893.

413G

[House Bill No. 1028.]

AN ACT

Authorizing the appointment of a commission to draft a bill to simplify and facilitate the transfer of real estate and the registration of titles and liens.

Land transfer
bill commission.Stenographer
and other ex-
penses; compen-
sation of com-
missioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor shall appoint a commission, to consist of three suitable persons, to draft and to prepare a bill embodying the principles of the Torrens' system of land transfer, with such changes as may be deemed necessary to adapt the same to the laws of Ohio, and report the same to the general assembly.

SECTION 2. Said commission may employ a stenographer and incur such other expenses as they may deem necessary for the proper discharge of their duties, the bills for which shall be paid on the warrant of the auditor of state when approved by the attorney-general. Said commissioners shall be allowed such compensation as the general assembly may determine.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
414G

[House Bill No. 1058.]

AN ACT

To supplement section 2669 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following section be enacted as a further supplement to section 2669 of the Revised Statutes of Ohio, with sectional numbering as 2669b, and to read as follows: Licenses:

Sec. 2669b. The council of any village or city may provide by ordinance for licensing bill posters, transient dealers, persons who temporarily open stores or places for the sale of goods, wares, or merchandise, and all persons who shall, on the street, or traveling from place to place about such village or cities, sell, bargain to sell, or solicit orders for goods, wares or merchandise by retail. The granting of such license shall be controlled by the provisions of section 2669. Further licensing powers of council.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
415G

[House Bill No. 1108.]

AN ACT

To further supplement section 889 of the Revised Statutes of Ohio, which was supplemented April 23, 1891. (Vol. 88, O. L., p. 335.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 889 of the Revised Statutes be and the same is hereby further supplemented so as to read as follows, viz.: County commissioners:

Sec. 889b. When the county surveyor in any county containing a city of the first grade of the first class, considers that the public good requires it, he shall ascertain by actual measurement and *every* the distance between the section corners of each and every section in each township, Ascertainment of distance between section corners and between corners of military surveys, location of

stones, etc., in
Hamilton
county.

and the distance between the corners of each military survey in the county; and he shall locate accurately all stones set for the section line or military survey line between the corners, both as to distance from the section or military survey corners, and also as to the variation from the straight line between said corners. He shall make and preserve a complete record of all work done, in a book provided for this purpose. The board of county commissioners shall, however, have full and final authority to fix the fees and expenses in said matter, and to order payment thereof, accordingly, out of the county treasury, as said work progresses; but the county surveyor shall apportion said expenses and fees to each township, and report the same to the board of county commissioners at least once each year until the completion of said work; and said board shall thereupon notify the trustees of townships and trustees and councils of municipal corporations, of the amount so apportioned to each township or corporation, and said trustees or council shall thereupon, out of the funds under their control, pay into the treasury of the county the sum thus apportioned to such township or corporation; and should there not be sufficient funds on hand available for such purpose, the said trustees or council shall levy such tax at the next annual levy of taxes, upon the taxable property of said township or corporation, as may be necessary to pay the same.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate

Passed April 25, 1893.

416G

[House Bill No. 1202.]

AN ACT

To supplement section 2680 of the Revised Statutes of Ohio.

Law libraries;

Appropriation
to certain fines
to use of library
in Darke county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2680 of the Revised Statutes of Ohio be supplemented as follows:

Sec. 2680a. That in all counties which at the last federal census had a population of not more than 42,965 nor less than 42,958 in which there is such library association mentioned in section 2680, and in which there is no such police court, that all fines and penalties which are assessed and collected by the common pleas and probate courts of such counties for offenses and misdemeanors prosecuted in the name of the state, except a portion thereof equal to the compensation allowed by law to the prosecuting attorney of the county in state cases, shall be paid quarterly by the

clerk of the court of common pleas and the probate judge respectively, to the trustees of such law library associations, to be expended in the purchase of law books and the maintenance of such associations; but the sum so paid shall not exceed four hundred dollars per annum, and subject in all other respects to the provisions contained in section 2680.

SECTION 2. This act shall take effect on and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
417G

[House Bill No. 1832.]

AN ACT

To amend section 2097 of the Revised Statutes as amended March 17th, 1892. (Vol. 89, O. L., p. 112.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2097 of the Revised Statutes shall be and is hereby so amended as to read as follows:

Sec. 2097. The directors shall be appointed by the mayor with the approval of the council and shall hold their office for five years except at the first appointment one shall be appointed for one year, one for two years, one for three years, one for four years and one for five years and thereafter one shall be appointed annually, but provided that in any city of the second grade of the second class in which a workhouse has heretofore been established or may hereafter be established, the board of workhouse directors shall consist of four members only, not more than two of whom shall at any time be members of the same political party, and in such cities of the second grade of the second class, each member of the board of workhouse directors shall receive an annual salary of one hundred and fifty dollars, but in any such city of the second grade of the second class in which a workhouse has been established and is in operation, the members of the board now in office shall continue in office until their respective terms expire and when the number of members of such board shall be reduced below four by expiration of term or otherwise, the board shall be filled by appointment as provided in this section; or if the vacancy is occasioned by expiration of term of office of any member, then the appointment shall be for a term of four years.

Workhouses:

Appointment and term of office of directors.

Dayton.

SECTION 2. That said section 2097 as amended March 17th, 1892, be and is hereby repealed.

Repeals.

original same

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
418G

[House Bill No. 1901.]

AN ACT

Making appropriations to pay the compensation of the board of appraisers and assessors as provided for by senate bill No. 400, and contingent expenses of the board.

Appropriations
for board of
appraisers and
assessors for
express, tele-
graph and tele-
phone com-
panies.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of fifteen hundred dollars (\$1,500.00), to pay the compensation provided for the board of appraisers and assessors by senate bill No. 400 passed at the adjourned session of 70th general assembly, said money to be paid in quarterly instalments. For contingent expenses of the board two hundred dollars (\$200.00). All to be paid out on vouchers approved by the president of the board.

SECTION 2. This act to take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 25, 1893.
419G

[Senate Bill No. 522.]

AN ACT

Making appropriation to pay Co. G, 17th regiment of infantry, Ohio national guard, per diem and subsistence, when called into service by the sheriff of Licking county, Ohio.

Appropriation
for members of
Co. G, 17th regi-
ment. Ohio
national guard.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated from any moneys belonging to the general revenue fund in the state treasury not otherwise appropriated, the sum of three hundred and fifty dollars and fifty cents to pay the officers and enlisted men of Co. G, 17th regiment of infantry, Ohio national guard, per diem and subsistence, when called into service by the sheriff of Licking county,

Ohio, to suppress a riot and preserve the peace, on the 12th day of April, 1892.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
420G

[House Bill No. 836.]

AN ACT

Providing for the dissolution and consolidation of building and loan associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That building and loan associations shall be authorized to provide in their constitutions and by-laws for the time and terms of the dissolution of such corporations; also for the consolidation of two or more of such corporations into one, upon such terms and conditions as may be determined upon by their boards of directors; also, in the case of the dissolution of any such corporation, its board of directors may, by a majority vote, be authorized to sell and transfer its mortgage securities or other property, or both, to another corporation, person or persons, subject always to the vested and accrued rights of the mortgagors.

Dissolution and consolidation of building and loan associations.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
422G

[House Bill No. 1034.]

AN ACT

To amend sections 1651, 1652 and 1654 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 1651, 1652 and 1654 be so amended as to read as follows:

Trustees of hamlets:

Sec. 1651. The trustees shall have the exclusive jurisdiction of public roads, streets, alleys, sewers and drains within the limits of the corporation; they shall have power to construct and keep in repair bridges and sidewalks; lay

General powers of trustees.

out, establish, open, widen, vacate, narrow, improve straighten, keep in order, repair and light roads, streets, alleys; open and construct and keep in order and repair sewers and drains; and enter upon, appropriate, take and hold for the purposes aforesaid real estate within its limits, and assess, and collect a charge for the construction, improvement and repair of any such road, street or alley; but if a street is vacated or narrowed, the right of way or easement of lot owners shall not thereby be impaired.

Limitation on such powers.

Sec. 1652. No ordinance providing for the opening or widening of any road, street or alley, or the appropriation of land therefor, and no ordinance providing for any improvement the cost of which, or any part thereof, shall be specially assessed upon any lands in the hamlet, shall be passed except upon the petition of two-thirds of the owners of lots or lands through or along which the road, street, alley, sewer or other improvement or part thereof to be opened, widened, improved or lighted shall pass.

Rights and remedies for exercising foregoing powers.

Sec. 1654. For the purpose of exercising the powers above granted, the trustees of hamlets shall, as to the providing for the cost and expense of improvements by them made, and as to making and publishing of all by-laws, resolutions and ordinances and the enforcement of the same, have in all respects like rights and remedies as are herein given to incorporated villages; but all by-laws and ordinances shall require for their adoption the concurrence of at least two of the trustees, and shall only be adopted at a stated meeting.

Repeals, etc.

SECTION 2. That said original sections 1651, 1652 and 1654 be and the same are hereby repealed, and this act shall take effect from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

423G

[House Bill No. 1248.]

AN ACT

To amend section 3033, as amended April 18, 1892; section 3036, as amended April 18, 1892; section 3043, as amended April 28, 1886.

Militia:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* section 3033, as amended April 18, 1892, and section 3036, as amended April 18, 1892, and section 3043, as amended April 28, 1886, be so amended as to read as follows:

Active militia: how constituted and apportioned.

Sec. 3033. In times of peace the active militia shall consist of the staff of the governor, without pay, allowances or command, provided for in section 98, Revised Statutes.

and not exceeding one hundred and two companies of infantry, eight batteries of artillery, and two troops of cavalry, to be allotted and apportioned in such localities of the state as the necessities of the service, in the discretion of the commander-in-chief, may require.

Sec 3036. Each regiment of infantry shall consist of not more than twelve nor less than eight companies, and shall be formed into battalions of not less than three and not more than five companies each, and shall have a colonel, a lieutenant-colonel, one major for each battalion, a surgeon with rank of major, one assistant surgeon for each battalion with rank of captain, a quartermaster with rank of first lieutenant, an inspector of rifle practice with rank of captain, a regimental adjutant with rank of first lieutenant, one commissary with the rank of first lieutenant, one battalion adjutant for each battalion in a regiment of two or more battalions with rank of second lieutenant, a chaplain and a non-commissioned staff, consisting of a regimental sergeant-major and a sergeant-major for each battalion, one quartermaster-sergeant, one commissary-sergeant, a hospital steward, two principal musicians, and a drum-major. A commander of a regiment may enlist a regimental band, to consist of a leader and not more than twelve men for each battalion of his regiment; also a hospital corps of not more than six men for each battalion. Each company shall consist of a captain, a first lieutenant, a second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, an armorer, and not less than thirty-two and not more than fifty-six privates.

Infantry organization.

Sec. 3043. The commander-in-chief shall organize, when he deems it practicable, the national guard into a division, brigades, regiments and battalions of artillery, cavalry and infantry, with such staff officers as may be necessary for each of the several commands.

Division, brigades, regiments and battalions.

SECTION 2. Said original sections 3033, as amended April 18, 1892; 3036, as amended April 18, 1892, and section 3043, as amended April 28, 1886, be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP.

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

424G

[House Bill No. 1259.]

AN ACT

To amend section 2689a of the Revised Statutes of Ohio, as amended April 13th, A. D. 1892, entitled "An act relating to the maximum of municipal taxes allowable in municipalities other than Cincinnati and distribution of such taxes." (O. L., vol. 89, page 274.)

Finance and
taxation:

Maximum of
municipal taxes
allowable in
municipalities
other than Cin-
cinnati.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2689a of the Revised Statutes, as amended April 13th, A. D. 1892, entitled "An act relating to the maximum of municipal taxes allowable in municipalities other than Cincinnati, and distribution of such taxes," be amended so as to read as follows:

Sec. 2689a. The aggregate of all taxes levied or ordered by any other municipal corporation [than] cities of the first grade of the first class, including the levy for general purposes above the tax for county and state purposes, and excluding the tax for schools and school-house purposes, shall not exceed in any one year, in cities of the second grade of the first class, nine and one-half mills, for sewer purposes three mills, and such further rates as may be necessary to pay the interest on the public debt, and to create a sinking fund as provided in section two thousand seven hundred and twelve; in cities of the third grade of the first class, fourteen mills; provided, however, that out of the proceeds of such levy the interest on the indebtedness of such corporation shall be first paid; in cities of the first and second grades of the second class, eight mills, and in addition thereto, such further rate not exceeding five-eighths of one mill, as may be necessary to create a sinking fund for the payment of the principal and interest of the bonds of said cities, that may hereafter be issued for the purpose of building and maintaining main trunk sewers in said cities; in cities of the third grade of the second class thirteen and in cities of the third grade of the second class ten mills; provided, that in cities of the third grade of the second class, which by the federal census of 1880 had a population exceeding (15,800) fifteen thousand eight hundred, such cities, for the purpose of constructing wharves and landings, and keeping the same in repair, are authorized to levy such further sum, not exceeding eighteen mills in all, as may be necessary to provide a fund for the construction and the keeping in repair of such wharves and landings; in cities of the fourth grade of the second class, nine mills; in villages of the first class, eight mills; and in all other villages ten mills on each dollar of the value of any property as valued for taxation on the county tax list; provided, however, that in all cities of the fourth grade of the second class, such further rate may be levied in addition to the foregoing limitation as will enable the cities to comply with the terms of any contract entered into by such cities or any of them, under the provisions of section two thousand four hundred and thirty-four, as amended January

29, 1885 (O. L., vol. 82, p. 11); and also provided, that the councils of the municipalities mentioned in this section shall, annually, at the time the rate of levy is fixed, provide by ordinance for the distribution of the tax among the several departments of the corporation in such proportion to their needs as the council may deem necessary; and at no time thereafter shall the amounts specified as necessary for the purposes named be changed, and all transfers of funds from one account to another are hereby expressly prohibited; provided, however, that nothing in this section shall be construed or considered as prohibiting the council of any incorporated village from transferring by resolution or ordinance, any surplus or part of surplus now or hereafter existing in the "police fund" of such village, arising from the special tax known as the Dow law tax, to any other fund or funds of the same, for the uses for which such other fund or funds are established.

Distribution of such taxes.

Surplus in village police fund, arising from Dow law tax.

SECTION 2. That said original act 2689a of the Revised Statutes, as amended April 15, 1892, be and the same is hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

425G

[House Bill No. 1308.]

AN ACT

To amend an act entitled "An act to provide for the labeling and marking of convict-made goods, wares and merchandise manufactured by convicts in other states," passed March 15, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act to provide for the labeling and marking of convict-made goods, wares and merchandise manufactured by convicts in other states," passed March 15, 1888, be and the same is hereby amended so as to read as follows:

Convict labor:

Sec. 1. That all goods, wares, and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in this or any other state, in which convict labor is employed, and imported, brought or introduced into the state of Ohio, shall, before being exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this state without such brand, label or mark.

Brand, label or mark to be placed upon convict-made goods, wares and merchandise.

Contents, style
and use of such
brand, label or
mark.

Sec. 2. The brand, label or mark hereby required shall contain at the head or top thereof the words "convict-made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style known as great primer Roman capitals. The brand or mark shall in all cases, where the nature of the article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used and where a label is used it shall be in the form of a paper tag which shall be attached by wire to each article where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares and merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

Violations by
dealers in con-
vict-made
goods, wares
and merchan-
dise.

Sec. 3. It shall not be lawful for any person or persons dealing in this state, in any such convict-made goods, wares or merchandise, knowingly to have the same in his or their possession for the purpose of sale, or to offer the same for sale without the brand, label or mark required by this act, or to remove, conceal or deface such brand, mark or label. It shall be the duty of the commissioner of labor statistics and the attorney-general to enforce the provisions of this act; and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the attorney-general of that fact, giving the information in support of his conclusions, and the attorney-general shall at once institute the proper legal proceedings to compel compliance with this act. Any person offending against the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten hundred dollars, nor less than fifty dollars, or be imprisoned for a term not exceeding twelve months, nor less than ten days, or both.

Duty of com-
missioner of
labor statistics
and attorney-
general.

Penalty for
violations.

Repeals, etc.

SECTION 2. That said original act, as passed March 15, 1888, be and the same is hereby repealed, and this act shall take effect and be in force from and after June 1, 1893.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

426G

[House Bill No. 1563.]

AN ACT

To supplement section 3794 of the Revised Statutes of Ohio.

Religious
societies:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3794 of the Revised Statutes be supplemented with the following section:

Sec. 3794a. The trustees of any church organization are hereby authorized and empowered to transfer any church property to trustees of the same denomination; provided, however, said transfer can only be made when the property so transferred is still to be used for church purposes.

Transfer of church property by trustees of church organization to trustees of same denomination.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
427G

[House Bill No. 1580.]

AN ACT

To supplement section 2099 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2099 of the Revised Statutes of Ohio be supplemented by an additional section, with sectional numbering as follows:

Workhouses:

Sec. 2099c. Whenever any person shall be convicted of a violation of an ordinance of a city of the second grade of the first class containing a workhouse, and shall be committed to said workhouse for such violation, and such person shall have a wife, child or children, or both, dependent upon him for support, he shall be kept at hard labor, and the director of charities and correction shall, at the end of each week during his confinement in said workhouse, if, after a careful investigation he shall be satisfied that such wife, child or children are in needy circumstances, and that they, or either of them, are actually and necessarily dependent upon the labor of such prisoner for their support, pay over to the wife or to the guardian of such child or children of such person so imprisoned, for the support and maintenance of said wife, child or children so dependent upon him, all money that may have been earned by such prisoner, after deducting the actual cost of his maintenance and support.

Appropriation to use of dependents of prisoners committed to Cleveland workhouse for violations of ordinances of such city.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 27, 1893.
428G

[House Bill No. 1805.]

AN ACT

To pay certain liabilities of the fish and game commission.

Appropriations
to pay liabilities
of Ohio fish and
game commis-
sion.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the following sums be and the same are hereby appropriated out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated to pay certain liabilities, as herein specified, being claims held by the parties hereinafter named against the Ohio fish and game commission: Nye & Follett, attorneys' fees, \$45.00; Charles Marshall, reservoir warden, \$75.00; C. C. Bitner, \$2.75; William Harlow, reservoir warden, \$75.00; George Van Oss, reservoir warden, \$75.00; George B. Thrift, reservoir warden, \$75.00; Runyan & Dilatush, attorneys' fees, \$23.00; F. E. Kitzmiller, county warden, \$40.00; Osborn & Breed, attorneys' fees, \$350.00; clerk Lake county courts, court costs, \$119.75; George H. Ober & Co., lumber, \$14.70; Goosman Bros., \$22.50; E. B. Mitchell, \$100.00; F. Cranz, \$22.61; James M. Jones, attorney's fees, \$169.00; Harrison, Olds & Harrison, \$100.00; C. P. Stone, labor, \$90.00; Charles Marshall, labor, etc., \$213.19; Bee job rooms, printing, \$6.00; U. B. Publishing Co., printing, \$34.00; J. A. Henshall, \$55.00; W. R. Huntington, \$175.00; Sandusky Lake Ice Co., \$7.70; Thomas J. Marshall, \$80.00; Henry Graefe, account of Savanack & Kibler, \$166.50; E. D. Potter, \$123.00; George Knapp, provisions, \$16.39.

Committee to
audit foregoing
accounts; pay-
ment of such
accounts.

SECTION 2. The governor of this state is hereby authorized and empowered to appoint a committee, of not less than two competent and disinterested persons, not more than one of whom shall belong to the same political party whose duty it shall be to audit the above accounts, and no moneys shall be paid out of the state treasury on said accounts until they have been thoroughly examined by said committee and found by them to be correct and in no event shall said moneys be paid unless upon recommendation of said committee in writing and approval of the governor.

Expenses of
committee.

SECTION 3. All reasonable expenses incurred by the above committee shall be paid by the above named creditors.

SECTION 4. This act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

430G

[House Bill No. 1837.]

AN ACT

Making appropriations to reuniform and equip the fifth regiment and battery A, first artillery, Ohio national guard, and for the relief of the regimental and company officers of said regiment, and of said battery.

WHEREAS, On the 8th day of December, 1892, the fifth regiment and battery A, first artillery, Ohio national guard, lost by fire their regimental armory, and camp and garrison equipage, and the three Cleveland companies of said regiment and said battery, all of their uniforms, arms, equipments and company property, exceeding in value the sum of twenty thousand dollars (\$20,000); and

Preamble.

WHEREAS, The officers of said regimental and company organizations lost by said fire a greater part of their fatigue and dress uniforms and equipments, aggregating in value the sum of twenty-seven hundred dollars (\$2,700); therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there be and is hereby appropriated, out of any moneys in the treasury to the credit of the general revenue fund, not otherwise appropriated, the sum of five thousand dollars (\$5,000), for the relief of said regimental, company and battery organizations and of the officers thereof; said sum to be apportioned in accordance with the report of a board of survey, to be appointed by the governor.

Appropriation
for foregoing
organizations
and officers of
the Ohio
national guard;
apportionment.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

431G

[House Bill No. 1842.]

AN ACT

To reimburse the bank of Marysville, Union county, Ohio, for incorporation fees, to the amount of \$100.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the sum of one hundred (\$100.00) dollars, heretofore paid to the secretary of state of Ohio, by the bank of Marysville, of Marysville, Union county, Ohio, as incorporation fees, be and the same is hereby ordered paid to Walter C. Fullington, cashier of said bank. And the auditor of state is hereby directed to draw his warrant on the state treasurer of Ohio for said sum, to be paid out of any fund not otherwise appropriated.

Appropriation
for the bank of
Marysville.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
432G

[House Bill No. 1684.]

AN ACT

To amend section 5094 of the Revised Statutes of Ohio.

Libel and
slander:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 5094 be amended so as to read as follows:

What defendant
may allege and
prove in such
actions; effect
of proof.

Sec. 5094. In the actions mentioned in the preceding section the defendant may allege and prove the truth of the matter charged as defamatory, and the proof of the truth of the matter so charged as defamatory shall be a good and sufficient defense against any claim for damages; and in every case the defendant may prove any mitigating circumstance to reduce the amount of damages.

Repeals.

SECTION 2. That said original section 5094 be and is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
433G

[House Bill No. 1693.]

AN ACT

To pay certain deficiencies and liabilities at the soldiers' and sailors' home at Sandusky.

Appropriations
to pay defi-
ciencies and
liabilities at
soldiers' and
sailors' home.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and the same are hereby appropriated out of any moneys in the state treasury, to the credit of the general revenue fund, not otherwise appropriated, to pay deficiencies and liabilities as hereinafter specified, being claims against the state of Ohio, held by the parties named, for work done in the construction of the soldiers' and sailors' [home] at Sandusky, Ohio: Feick Brothers, \$7,931.40; Brohl and Appell, \$875.16; Isaac

D. Smead, \$111.00; G. W. Doreszback, \$753.00; Ira T. Davis, \$149.63. Said sums are appropriated in full settlement of all claims against the state of Ohio, held by the parties named for the work aforesaid.

SECTION 2. The governor of this state is hereby authorized and empowered to appoint a committee, of not less than two competent and disinterested persons, not more than one of whom shall belong to the same political party, whose duty it shall be to audit the above accounts, and no moneys shall be paid out of the state treasury on said accounts until they have been thoroughly examined by said committee and found by them to be correct and in no event shall said moneys be paid unless upon recommendation of said committee in writing, and approval of the governor. Said committee shall have power to send for persons and papers, administer oaths, subpoena witnesses, take depositions, and all other powers necessary to carry out the provisions of this act, and to determine the causes of said deficiencies and fix the responsibility for the same and report their findings to the governor.

Committee to audit foregoing accounts; payment of such accounts; powers and report of committee.

SECTION 3. All reasonable expenses incurred by the above committee shall be paid by the above named creditors.

Expenses of committee.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.

434G

[House Bill No. 1752.]

AN ACT

To amend section 4446a and section 4446c of the Revised Statutes of Ohio, passed March 16, 1881.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4446a and section 4446c be so amended as to read as follows:

Fertilizers:

Sec. 4446a. Any person or company who shall offer, sell or expose for sale in this state, any commercial fertilizer shall affix to every package, in a conspicuous place on the outside thereof, a plainly printed certificate stating the number of net pounds in the package sold or offered for sale, the name or trade mark under which the article is sold, the name of the manufacturer and the place of manufacture, and a chemical analysis stating the percentage of nitrogen, or its equivalent in ammonia, in an available form, of potash soluble in water

How package containing commercial fertilizer to be marked.

Ammonia, in an available form, of phosphoric acid, in an

available form (soluble or reverted) as well as the total phosphoric acid.

Manufacturer,
importer or
agent to pay
license.

Sec. 4446c. The manufacturer, importer or agent of any commercial fertilizer, shall pay, annually, on or before the first day of May, a license fee of twenty dollars for the privilege of selling or offering for sale within the state, said fee to be paid to the secretary of the Ohio state board of agriculture; provided, that whenever the manufacturer or importer shall have paid the license fee herein required, for any person acting as agent for such manufacturer or importer, such agent shall not be required to pay the fee named in this section.

Repeals.

SECTION 2. That the said section 4446a and section 4446c of the Revised Statutes are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

435G

[House Bill No. 1888.]

AN ACT

To amend section 2430 of the Revised Statutes of the state of Ohio as amended March 20th, 1891 (88 O. L. 153).

Water-works:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2430 of the Revised Statutes of the state of Ohio as amended March 20, 1891, be amended so as to read as follows:

Tax for pay-
ment of interest
on loans.

Sec. 2430. For the purpose of paying the interest on any loan which any city or village may heretofore have made, or may hereafter make, for the erection or extension of water-works, and after they shall have been put in operation, and for the building of machinery, a tax of sufficient amount may be assessed and collected, in addition to the amount now authorized by law, by the common council, in each year, upon all the taxable property, both real and personal, in said city or village; provided that in cities of the third grade of the first class one-fourth of the annual interest upon any such loan or loans shall be considered and treated as expenses of operation, and shall be paid from the revenues derived from such water-works, and a tax shall be levied for only three-fourths of said interest.

Toledo.

SECTION 2. That section 2480 of the Revised Statutes of Ohio as heretofore amended, be repealed; and that this act shall take effect on its passage. Repeals, etc.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 27, 1893.
441G

[House Bill No. 1898].

AN ACT

To amend section 1671 of the Revised Statutes of the state of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1671 of the Revised Statutes of the state of Ohio be amended so as to read as follows: Council and aldermen (Toledo):

Sec. 1671. The mayor, or any three members of either board, may call special meetings of either board, by notice to each member served personally, or left at his usual place of abode; and the mayor, or three members of the board of aldermen, uniting with five members of the board of councilmen, may, in like manner, call a joint session of the two boards. Special meetings.

SECTION 2. That section 1671 of the Revised Statutes be repealed; and that this act take effect on its passage. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
442G

[House Bill No. 1900.]

AN ACT

To amend section 9 of an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds, together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888 (85 O. L., 127), as amended April 18, 1890 (87 O. L., 219).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That Section 9 of an act entitled "An act to provide for a commission to establish the boundaries and lines of the canals, canal basins, reservoirs, etc., etc., of the state, by an accurate survey by metes and bounds,"

Canal commission:

together with maps and plats of the same, and to define and protect the ownership and titles of the state in and to all lands belonging to and connected with said canals," passed March 28, 1888 (85 O. L., 127), as amended April 18, 1890 (87 O. L., 219), be amended so as to read as follows:

Actions against
certain persons
and corporations.

Sec. 9. That if said commission shall find that any person, or persons, or corporation is unlawfully in possession, use, or occupation of any land belonging to the state of Ohio, or has taken, carried away, or in any manner injured the whole or any part of any canal lock, or weigh lock, culvert, aqueduct, or canal bridge, or any of the abutments thereof belonging to said state, or any of the materials used in the construction of any such lock, culvert, aqueduct, or canal bridge, or any of the abutments thereof belonging to said state, it shall direct the attorney-general, and it is hereby made his duty, to bring a civil action or civil actions to recover the possession of such lands, or damages for the property so taken, carried away, or injured, and any person or persons who may have advised or unlawfully aided any other person or persons to injure said property or take it or carry it away, may in every such action be made a co-defendant with the person or corporation who so took, injured, or carried away said property, and such a joint or several judgment may be had therein against him in such action as may be right and proper therein. And any suit or suits authorized to be brought by this act may be commenced in the county where such property is situated, or if against a railroad corporation or corporations may be commenced and prosecuted in Franklin county.

Repeals, etc.

SECTION 2. Section nine of the act mentioned above, as amended April 18, 1890 (87 O. L., 219), is hereby repealed and this act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

443G

[House Bill No. 1902.]

AN ACT

To pay certain liabilities herein named.

Appropriation
to pay liabilities
in office of
adjutant-gen-
eral.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any moneys in the treasury, to the credit of the general revenue fund and not otherwise appropriated, the sum of three hundred and seventy-five dollars (\$375.00) for the purpose of paying certain liabilities in clerks' salary

fund in the office of the adjutant-general for the year ending February 15, 1893.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 27, 1893.
444G

[House Bill No. 1664.]

AN ACT

To supplement section 6854 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 6854 of the Revised Statutes be supplemented as follows:

Offenses against property:

Sec. 6854a. Whoever wrongfully takes any bicycle, tricycle or tandem bicycle from the house or lot of another person, or from any other place where any such bicycle, tricycle or tandem bicycle has been lawfully placed, with intent to injure or use such bicycle, tricycle or tandem bicycle, shall be fined not more than one hundred dollars or imprisoned not more than sixty days, or both.

Wrongfully taking bicycle, tricycle or tandem bicycle, with intent to injure or use same.

Sec. 6854b. Whoever maliciously alters or defaces a number on, or removes any number-plate from any bicycle, tricycle or tandem bicycle the property of another, or who maliciously alters, defaces or removes any name placed on any bicycle, tricycle or tandem bicycle the property of another, shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both.

Maliciously altering, defacing or removing number or name on bicycle, tricycle or tandem bicycle.

Sec. 6854c. Whoever maliciously injures (or removes) the tire on any bicycle, tricycle or tandem bicycle, the property of another, either by puncturing, cutting, defacing or in any manner destroying any tire on any bicycle, tricycle or tandem bicycle, or who maliciously removes or destroys or defaces any part of any bicycle, tricycle or tandem bicycle the property of another, shall be fined not more than fifty dollars or imprisoned not more than thirty days, or both provided that said bicycle, tricycle or tandem bicycle has been listed for taxation.

Maliciously injuring or removing tire, or removing, destroying or defacing any part of bicycle, tricycle or tandem bicycle.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
445G

[Senate Bill No. 375.]

AN ACT

To provide for the reimbursement of the Crane creek shooting club.

Reimbursement
of Crane creek
shooting club.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of five hundred and ninety-five dollars, paid by the Crane creek shooting club of Cleveland to the state of Ohio for land situated in Lucas county, to which land the state had no title, according to the decision of the court which tried the case involving the title to such land, be refunded to said Crane creek shooting club.

Appropriation
for such pur-
pose.

SECTION 2. That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five hundred and ninety-five dollars, to be paid to said shooting club in full of all claims on account of such purchase from and payment to the state of Ohio, and the auditor of state is hereby directed to issue his warrant on the state treasurer for said amount for the purpose above stated.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
446G

[Senate Bill No. 400.]

AN ACT

To amend and supplement sections 2777, 2778, 2779 and 2780 of the Revised Statutes of Ohio.

Taxation:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2777, 2778, 2779 and 2780 be and the same are hereby amended and supplemented so as to read as follows:

EXPRESS, TELEGRAPH AND TELEPHONE COMPANIES.

Express, tele-
graph and tele-
phone compa-
nies defined.

Sec. 2777. Any person or persons, joint stock association or corporation, wherever incorporated, engaged in the business of conveying to, from or through this state, or any part thereof, money, packages, gold, silver, plate or other article, by express, not including the ordinary lines of transportation of merchandise and property in this state, shall be deemed to be an express company; any person or persons, joint stock association or corporation, wherever incorporated, engaged in the business of transmitting to, from, through, or in this state, telegraphic messages, shall be held

to be a telegraph company; any person or persons, joint stock association or corporation, wherever incorporated, engaged in the business of transmitting to, from, through or in this state, telephonic messages, shall be held to be a telephone company.

Sec. 2778. The treasurer, attorney-general and auditor of state shall constitute a board of appraisers and assessors for such express, telegraph and telephone companies, of which said board the auditor shall be president, and it shall be his duty to appoint the time and place for the meeting of the board and notify such attorney-general and treasurer of state, at least five days before the time appointed for such meeting. In the absence or inability of the president the board shall appoint one of its members president pro tempore. Said board shall appoint one of its number secretary, and full minutes of its proceedings shall be kept. It shall be the duty of such board to meet in the month of May, in the present and each succeeding year, at such time as the president thereof shall appoint. And said board shall proceed to ascertain the entire amount and value of the personal and real property of said express, telegraph and telephone companies. And such board shall have power to require, from the president, secretary, treasurer, receiver or principal accounting officer of such express, telegraph and telephone companies, a detailed statement, under oath, of all the items and particulars constituting such property, money, credits, and the value thereof, and may examine books and papers of such companies, and any or all of its officers, receivers, servants, or agents, under oath, touching any matter relating to the same; and any member of such board is authorized and empowered to administer such oath. It shall be the duty of said board to report annually, on or before the first Monday in the month of June, to the auditor of state, the total value of the property of said companies, and the value assessed against said companies for their property in the state of Ohio, and the distribution of the same as hereinafter provided, all of which shall be, by the auditor of state, communicated to the general assembly, with his annual report, in tabular form. And said board shall have and may exercise all the powers possessed by county auditors under sections 2781 to 2785, inclusive, of the Revised Statutes; and said express, telegraph and telephone companies shall be subject to all the provisions and penalties of said sections.

Board of
appraisers and
assessors for
such companies.

Sec. 2778a. Every express, telegraph and telephone company embraced in section 2777, whether chartered by the laws of this state, or any other state or country, doing business in this state, shall, annually, between the first and tenth days of May, return to the auditor of state, under the oath of its treasurer, the amount of its capital stock, its place of business, the par value and market value (or if there be no market value, then the actual value) of its shares at the time of said return. The return shall also contain

Annual returns
by such com-
panies.

a statement in detail of the entire real and personal property of said companies and where located, and the value thereof as assessed for taxation; and telegraph and telephone companies shall, in addition thereto, return the whole length of their lines, and the length of so much of their lines as is without and is within the state of Ohio, which lines shall include what said telegraph and telephone companies control and use, under lease or otherwise; and said board of appraisers and assessors shall, in determining the value of the property of said companies in this state, to be taxed within the state and assessed as herein provided, be guided by the value of said property as determined by the value of the entire capital stock of said companies, and such other evidence and rules as will enable said board to arrive at the true value in money of the entire property of said companies within the state of Ohio, in the proportion which the same bears to the entire property of said corporations, as determined by the value of the capital stock thereof, and the other evidence and rules as aforesaid. Express companies shall, in making said return, include therein, as a part thereof, a statement of their entire gross receipts for the year ending the first day of May, of the business done within the state of Ohio, giving the receipts of each office in said state and the location thereof for said year.

Penalties to which officers, agents, etc., of such companies liable for misdemeanors.

Sec. 2779. Any president, secretary, receiver, accounting officer, or agent of any express, telegraph or telephone company, having any portion of its lines or doing business in this state, who shall refuse to attend before said board when required so to do, or refuse to submit to the inspection of said board any book or papers of such express, telegraph or telephone company, in his possession, custody or control, or shall refuse to answer such questions as may be put to him by such board, or its order touching the business, property, moneys and credits, and the value thereof, of said express, telegraph or telephone company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be confined in the jail of the county not exceeding thirty days, and be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, receiver, accounting officer, servant or agent, as aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such board, and may be confined by order of said board in the jail of the proper county until he shall comply with such order, and pay the costs of his imprisonment.

Apportionment of valuation of telegraph and telephone companies; rate of taxation.

Sec. 2780. The value of said property, moneys and credits of any telegraph or telephone company, as found and determined by such board, shall be apportioned by said board among the several counties through which the lines of such telegraph or telephone company, or any part thereof, run, so that to each county, city, village, township and district, or part thereof therein, shall be apportioned such part thereof as shall equalize the relative value of the entire

property of such company therein, in proportion to the whole value of the entire property of said company, and in the proportion that the length thereof, in all said counties, cities, villages, townships and districts, and any part thereof therein, and the board shall certify to the county auditor of each county, and to each city, incorporated village, township or district, or any part thereof therein, the amount proportioned to his county, and said board shall make and forward a like certificate, together with all the reports of the various telegraph and telephone officers, and other papers and evidence which formed the basis of their valuation, to the auditor of state. It shall be the duty of the county auditor, upon receiving the certificate aforesaid, to apportion the amount therein stated to the cities, villages, townships, districts, or parts thereof, and the auditor shall put the same on the tax list to be assessed, and the taxes thereon collected the same as taxes assessed and collected on other personal property. And the rate of taxation shall be the same as that assessed against real and personal property in said cities, villages, townships and districts.

Sec. 2780a. The value of said property, moneys and credits of any express company, as found and determined by such board, to be assessed for taxation within this state, shall be apportioned by said board among the several counties in which said express companies do business, in the proportion that the gross receipts of the business of said express companies in the places where they transact business, bear to the entire gross receipts in this state of said express companies. And the board shall certify to the county auditor of each county, and to each city and incorporated village, township or district, or any part thereof therein, the amount proportioned to his county, and said board shall make and forward a like certificate to go with all the reports of the various express companies, and other papers and evidence, which form the basis of their valuation, to the auditor of state. It shall be the duty of the county auditor, upon receiving the certificate aforesaid, to apportion the amount therein stated to the cities, villages, townships, districts, or parts thereof, and the auditor shall place the same on the tax list to be assessed and collected the same as taxes are assessed and collected on other property. And the rate of taxation shall be the same as that assessed against real and personal property in said cities, villages, townships and districts.

Apportionment of valuation of express companies; rate of taxation.

Sec. 2780b. Express, telegraph and telephone companies shall not be required to make returns, and shall not be governed by the provisions of section 2744 of the Revised Statutes; and the valuation of any and all real estate situate in this state as assessed for taxation, and on which said companies pay taxes, shall, by said board, be deducted from the total value of the property of said companies, as ascertained and determined under the provisions of the foregoing sections for taxation.

Exemption from provisions of section 2744; deduction of valuation of real estate.

Compensation
of board of
appraisers and
assessors.

SECTION 2. The board of appraisers and assessors herein created shall receive as compensation for their services, when performed as herein provided, the sum of five hundred dollars each per year.

Repeals.

SECTION 3. That sections 2777, 2778, 2779 and 2780 of the Revised Statutes are hereby repealed.

SECTION 4. This act shall take effect from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
447G

[Senate Bill No. 418.]

AN ACT

To amend section 2847 of the Revised Statutes of the state of Ohio.

Collection of
taxes:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2847 of the Revised Statutes be amended so as to read as follows:

Payment of tax
on lands;
agents and
attorneys.

Sec. 2847. It shall be the duty of each and every person holding lands as aforesaid, to pay the tax which may be assessed thereon each and every year; provided, that agents and attorneys shall not thus be obliged to pay such taxes, unless sufficient moneys of their principals be in their hands to pay the same; and provided, further, that any persons owning lands as aforesaid, may authorize or consent to the payment by any other person, of the taxes levied upon such lands, and any person so paying such taxes shall first obtain from the owner or owners of such lands a certificate of authority to pay such taxes, signed in the presence of two witnesses, and duly acknowledged before an officer authorized to administer oaths, which certificate shall contain an accurate description of the property as shown by the tax duplicate, the amount of the taxes levied thereon, the year for which the same were levied and the name of the person authorized to pay the same and the date of the payment thereof; and shall, within ten days from the date of the payment of such taxes, file the same in the office of the county recorder for record; and when such certificate has been filed as aforesaid, the amount thereof with interest at the rate of eight per cent. per annum from the date of the payment of such tax, shall operate as a lien upon such real estate in preference to all other liens and the money so paid, together with the interest thereon, may also be recovered by action for money paid to his use against the person or persons legally liable for the payment of such tax, which action may be brought by such person so paying such tax as aforesaid, at any time after the expiration of one year from the date of

Payment by
person other
than owner.

the payment thereof; that such certificate so filed as aforesaid with the county recorder, shall be recorded and canceled in the same manner as mortgages on real estate, and such recorder shall receive such fees as are prescribed by law for recording real estate mortgages.

SECTION 2. That said original section 2847 of the Revised Statutes of the state of Ohio be and the same is hereby repealed. Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
448G

[Senate Bill No. 455.]

AN ACT

To amend section 3718a of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3718a of the Revised Statutes of Ohio be so amended as to read as follows: Offenses against public policy:

Sec. 3718a. Any justice of the peace within his county and city, police judge or mayor of any city or village within his city or village, shall have jurisdiction in case of violation of the laws to prevent adulteration of food and drink, the adulteration and deception in the sale of dairy products, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals, or under section 6984 of the Revised Statutes, or section 6984a thereof as herein enacted. If such prosecutions be before a justice of the peace or mayor, and a trial by jury be not waived, the said justice or mayor shall issue a venire to any constable of the county, or marshal or policeman of the city or village, containing the names of sixteen electors of the county, to serve as jurors to try such case, and make due return thereof. Each party shall be entitled to two peremptory challenges and shall be subject to the same challenges as jurors are subject to in criminal cases in the court of common pleas. If the venire of sixteen names be exhausted without obtaining the required number to fill the panel, the justice or mayor may direct the constable, marshal or policeman to summon any of the bystanders to act as jurors; provided, that in all cases prosecuted under the provisions of this section, no costs shall be required to be advanced or paid by the person or persons authorized under the law to prosecute such cases; and provided, further, that in all cases brought under the provisions of this section, if the defendant be acquitted, or if convicted, and committed in default of paying fine and costs. Jurisdiction of justices, police judges and mayors in prosecutions for adulteration, deception and cruelty.

Judicial proceedings in such cases before justices and mayors.

Costs.

the costs of each case shall be certified under oath to the county auditor, who, after correcting the same, shall issue a warrant on the county treasurer in favor of the persons to whom such costs and fees shall be paid.

Repeals, etc.

SECTION 2. That said section 3718a be repealed, and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
449G

[Senate Bill No. 523.]

AN ACT

To refund to the Lima natural gas company money paid for rent on leases issued on lands to which the court finds the state had no title.

Appropriation
for Lima nat-
ural gas com-
pany.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the sum of sixteen hundred and eleven and eighty-three-hundredths dollars (\$1,611.83) be and the same is hereby appropriated and allowed to the Lima natural gas company, of Lima, Ohio, the same being the amount which said Lima natural gas company has paid to the board of public works of the state of Ohio, for rental upon what is known as the little dry feeder in Auglaize county, Ohio, and the costs and expenses of defending the title of the state of Ohio to said little dry feeder, the courts having found that the state of Ohio did not own said little dry feeder, and the said Lima natural gas company not having received any benefit or use of said little dry feeder during the time it paid said rentals and expenses; and that the above sum be paid out of any money in the treasury to the credit of the general revenue fund not otherwise appropriated, and the same shall be in full of all claims against the state caused by the granting of said lease.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
451G

[Senate Bill No. 530.]

AN ACT

Supplementary to section 8233 of the Revised Statutes of Ohio, to authorize certain incorporated villages to purchase land for use as public parks, and to issue bonds to defray the expenses thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following section be enacted as supplementary to section 8233 of the Revised Statutes of Ohio (70 O. L., 163), with sectional numbering as herein provided :

Sec. 8233a. Whenever it is declared necessary by the council of any village which contained at the last federal census or which shall hereafter contain a population of not less than eighteen hundred and not more than eighteen hundred and thirty-nine, or any village which is or may be contiguous to any city which is now or may be a city of the first grade of the first class, to purchase ground to be used as a public park, every such village is hereby authorized and empowered to purchase such land either within, or partly within and partly adjacent to the corporate limits of said village ; and in such cases the procedure for the purchase of such land shall be as follows :

1st. The council of such village may, by a vote of a majority of all the members elected thereto, pass an ordinance describing the ground which in its judgment is suitable and desirable for use as a public park, and declaring its intention to purchase said land for park purposes at a price therein specified, but not exceeding the amount of the bonds hereinafter authorized to be issued ; and to issue bonds in the name of such village to provide the means for paying for the lands aforesaid ; and said ordinance shall provide for submitting the question of purchasing the said land for park purposes, with the amount to be paid for the same and the issue of bonds necessary for such purpose, to a vote of the qualified electors of such village at a special election to be held for that purpose, of which not less than twenty (20) days' notice shall be given by proclamation of the mayor, by publication in at least two (2) newspapers of general circulation in said village. At said election all voters desiring to vote in favor of purchasing said land and issuing bonds therefor, shall have written or printed on their ballots the words "Purchase of land and issue of bonds for park purposes—Yes ;" and all voters desiring to vote against said purchase of land and issuing of bonds shall have written or printed on their said ballots the words "Purchase of land and issue of bonds for park purposes—No." And returns of said election shall be made to the clerk of said village, and by him laid before the village council, who shall declare the result by resolution. And no purchase of land shall be made for park purposes, and no bonds issued under the authority of this act, unless the majority of the votes cast at said election shall be

Parks:

Clifton and other villages in Hamilton county empowered to purchase land for public park.

Procedure.

Ordinance relating to purchase.

Vote upon question.

in favor of such purchase of land and of such issuing of bonds.

When purchase
may be lawfully
made.

Bonds and tax.

2d. In case such election shall result in favor of the purchase of said land and the issue of bonds therefor, it shall be lawful for the council of said village, and it is hereby authorized, to proceed by purchase to acquire the title to the land aforesaid in the name of such village; and for the purpose of providing means for paying for the land aforesaid, and the improvement thereof, the council of such village may issue bonds in the name of the village and under its corporate seal; said bonds shall be signed by the mayor and attested by the clerk of said village, who shall keep a register of the same; and they shall be secured by a mortgage upon the land purchased as herein provided, and by the pledge of the faith and credit of such village; provided, that the total amount of said bonds shall at no time exceed the sum of two hundred thousand dollars (\$200,000); that said bonds shall be made payable in thirty (30) years after the date of their issue, and bear interest at a rate not exceeding four (4) per centum per annum; and a tax shall be levied by the council of such village annually upon the taxable property of the village, and certified to the county auditor, in an amount sufficient to pay the interest thereon; said tax shall be in addition to the amount now and otherwise authorized to be levied in such village for municipal purposes; and said bonds shall be sold in the manner provided by law, at not less than their par value; and the proceeds therefrom applied and used only for the purposes mentioned in this act.

Park employes;
plans for park,
location of
same, etc.

SECTION 2. Such council shall have power to appoint a landscape architect and engineer, a superintendent and other necessary employes, and to fix their compensation. Such council shall also have the power to adopt plans for and locate such park, and the necessary appurtenances thereto, including the avenues or parkways necessary to connect such park with existing streets or roads.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

452G

[Senate Bill No. 560.]

AN ACT

To grant the right of way through the lands of the Dayton asylum for the insane, in Montgomery county, Ohio, to the Dayton junction terminal and belt line railway company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Dayton asylum for the insane be and are hereby empowered to negotiate the right of way, for railway purposes only, to "the Dayton junction terminal and belt line railway company" through the property of the Dayton asylum for the insane in said Montgomery county, under such terms and conditions as said trustees may determine and upon the approval of the same by the governor of the state of Ohio, he is hereby authorized to make, execute and deliver the necessary conveyance therefor but such conveyance shall not convey said land in fee simple, but shall be for railway purposes only and the land shall revert to the state of Ohio upon the abandonment of said grant for railway purposes.

Right of way
through land
of Dayton asy-
lum for insane
granted Dayton
junction ter-
minal and belt
line railway
company.

SECTION 2. The money derived from this grant shall be covered back into the treasury of the state of Ohio.

Disposition of
money derived
from grant.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
453G

[Senate Bill No. 583.]

AN ACT

To amend section 2276 of the Revised Statutes of Ohio as amended February 3, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 2276 of the Revised Statutes of Ohio, as amended February 3, 1893, be so amended as to read as follows:

Assessments:

Sec. 2276. When the whole or any portion of an improvement authorized by this title passes by or through a public wharf, market-space, park, cemetery, structure for the fire-department, water-works, school-building, infirmary, market-building, workhouse, hospital, house of refuge, gas-works, public prison, or any other public structure or public grounds within and belonging to the corporation, the council may authorize the proper proportion of the estimated costs and expenses of the improvement to be certified by the clerk of the corporation to the county auditor and entered upon the 'ax list of all the taxable real and personal property in the

Assessment on
property of the
corporation.

Cleveland, Toledo and Columbus.

corporation, and the same shall be collected as other taxes; provided, that in cities of the second and third grade of the first class, and cities of the first grade of the second class, the special assessments for such improvements shall be paid from the fund of the department controlling the property, through or by which the improvement passes.

Repeals, etc.

SECTION 2. That said section 2276 as amended February 3, 1893, be and the same is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate

Passed April 27, 1893.

454G

[Senate Bill No. 589.]

AN ACT

To supplement section 1088 of the Revised Statutes of Ohio.

County treasurer:

Township offices for receipt of taxes in Adams county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1088 of the Revised Statutes be supplemented by an additional section with sectional numbering so as to read as follows:

Sec. 1088 $\frac{1}{2}$. In all counties which at the federal census of 1890 had or which at any subsequent federal census may have a population of not less than 26,093 nor more than 26,100, the county treasurer shall have an office open for receiving taxes in each township in such county within which is located a bank of deposit, at which place the county treasurer shall attend and receive taxes for not less than two days, at such times prior to the 20th day of December and the 20th day of June each year, as shall be fixed for that purpose, as herein provided. The county treasurer in all such counties shall fix and determine the time and place at which he will attend to receive taxes as aforesaid; two weeks' notice of the time and place for receiving such taxes shall be given by publication in some newspaper of general circulation, and by posting notices thereof in three public places in the township.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

455G

AN ACT

Supplementary to "An act to amend 'an act providing for the payment by the outgoing secretary of state to his successor of certain sums of money in litigation,' " passed January 19, 1893. (O. L. 90, p. 10.)

WHEREAS, There is now in the keeping of Hon. Samuel M. Taylor, the present secretary of state of this state, the sum of \$50,644.69, having been paid to Hon. Daniel J. Ryan, formerly secretary of state, by the Pittsburgh, Cincinnati, Chicago & St. Louis railway company, for official services in accordance with the provisions of Sec. 148a of the Revised Statutes of this state, and having come into the hands of said Hon. Samuel M. Taylor as secretary of state from his predecessors in office, and being part of the sum of \$170,529.30 mentioned in the act to which this act is supplementary; and

Preamble.

WHEREAS, The temporary injunctions granted by the court of common pleas and circuit court of Franklin county, restraining the payment of said \$50,644.69 into the state treasury, have been dissolved, and in proceedings in error prosecuted by said the Pittsburgh, Cincinnati, Chicago & St. Louis railway company in the supreme court of this state, a temporary injunction to restrain the payment of said money into said treasury was granted upon certain conditions, with which conditions said the Pittsburgh, Cincinnati, Chicago & St. Louis railway company has failed and refused to comply, and there is now no injunction restraining the payment of said money into the state treasury; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That Hon. Samuel M. Taylor, secretary of state, be, and he is hereby authorized and required to pay the said sum of \$50,644.69 above mentioned into the state treasury of this state; and upon the payment of said sum of money into the state treasury and the taking and filing with the auditor of state of a receipt for the same, said Hon. Samuel M. Taylor, secretary of state, and the sureties upon his official bond, shall be released and discharged from any and all responsibility or liability either to the state of Ohio, or to the party who paid said fee, or to any other party growing out of the collection, the receipt, or the custody of the same, and said secretary of state, either as an officer or individually, and his sureties, shall be held to be relieved from all responsibility or liability of every nature in regard to said money.

Directing secretary of state to pay certain sum of money into state treasury; effect of such payment.

SECTION 2. That if upon the termination of the litigation in regard to said money, judgment shall be rendered in favor of said the Pittsburgh, Cincinnati, Chicago & St. Louis railway company, then said railway company may sue the state of Ohio for the return of said money, as provided in Sec. 148b; and in case suit is brought against

Suit for recovery of such money.

the secretary of state, either as an officer or as an individual, or against him and his bondsmen or against either or any of them by said the Pittsburgh, Cincinnati, Chicago & St. Louis railway company, or any person claiming by or under it, then and in that case it shall be the duty of the attorney-general to defend said suit or suits at the expense of the state of Ohio, and free from any expense to the secretary of state as an officer or as an individual, or to his bondsmen.

SECTION 3. That this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

457G

[Senate Bill No. 595.]

AN ACT

To amend section 1895 of the Revised Statutes.

Cincinnati
police force:

Compensation
of officers and
members.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section eighteen hundred and ninety-five of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 1895. The officers and members of the police force shall receive compensation as follows: The superintendent a salary of five thousand dollars per annum, fifteen hundred of which sum shall be paid by the county in which such city is situated; the inspector of police shall receive a salary not exceeding eighteen hundred dollars per annum; the police surgeon shall receive a salary not exceeding fifteen hundred dollars per annum; the assistant police surgeon shall receive a salary not exceeding twelve hundred dollars per annum; lieutenants of police shall receive pay at the rate of eighty dollars per month for the first year, eighty-five dollars per month for the second year, ninety-five dollars per month for the third year and for the fourth and subsequent years of their service one hundred dollars per month; sergeants shall receive pay at the rate of seventy-five dollars per month during the first year of their service, eighty dollars per month during the second year, eighty-five dollars per month during the third year and ninety dollars per month during the fourth and subsequent years of their service; patrolmen shall receive pay at the rate of seventy dollars per month during the first year of their service, seventy-five dollars per month during the second year, eighty dollars per month during the third year, and eighty-five dollars per month during the fourth and subsequent years of their service; and station-house keepers shall receive pay at the rate of sixty dollars per month during

the first two years of their service and sixty-five dollars per month during the third and subsequent years of their service; the chief police court officer shall hold rank and receive the pay of lieutenant; and the court officers, the rank and pay of patrolmen; provided, however, that in estimating the length of service those officers and policemen appointed from the force now existing in such cities shall receive credit for the time and faithful services rendered as such officers and policemen heretofore; the compensation of all clerks and other persons employed under the provisions of this subdivision and not otherwise fixed shall be determined by the commissioners.

SECTION 2. That original section 1895 of the Revised Statutes of Ohio be and the same is hereby repealed. Repeals

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
468G

[House Bill No. 697.]

AN ACT

For the relief of Mary L. and James McGiboney for hay burned during the encampment of the Ohio national guard while at camp Kokosing, near Mt. Vernon, Ohio, in August, 1886.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the state of Ohio be and is hereby authorized and required to issue his warrant on the state treasurer to pay to Mary L. and James McGiboney, of Mt. Vernon, Knox county, Ohio, out of the general revenue fund not otherwise appropriated, fifty dollars, on account of the burning of four stacks of hay, estimated to be not less than twelve tons, on the farm on which the Ohio national guard were encamped and during the time they were encamped thereon; said loss or burning of the hay being caused directly or indirectly on account of the Ohio national guard being encamped thereon.

Appropriation
for Mary L. and
James McGib-
oney.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem.
of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893
460G

[House Bill No. 714]

AN ACT

To pay Matt. C. Miraben, formerly a private in battery G, first regiment light artillery, O. N. G., two hundred dollars for injuries received from the premature discharge of a cannon at Marietta, Ohio, July 14, 1888.

A appropriation
for Matt. C.
Miraben.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be paid to Matt. C. Miraben, formerly a private in battery G, first regiment light artillery, O. N. G., the sum of one thousand dollars in payment for injuries received by the premature discharge of a cannon at Marietta, Ohio, July 14, 1888, when in discharge of his duty, acting under orders from his superior officer. The said sum to be paid in five annual payments of two hundred dollars each, the first payment to be made upon the passage of this act; the other instalments to be paid on the first day of January of each year until the whole amount is paid; the said sum of one thousand dollars to be in full liquidation of the claim of said Matt. C. Miraben.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

461G

[House Bill No. 988.]

AN ACT

To appropriate funds to deepen, widen and straighten the Miami river in Logan county from the outlet of the Lewistown reservoir to Long's dam.

Appropriation
for improve-
ment of Miami
river.

Removal of
Long's dam.

SECTION 1. *Be enacted by the General Assembly of the State of Ohio*, That ten thousand dollars, or so much thereof as may be necessary, be appropriated for the special use of the board of public works in widening, deepening and straightening the Miami river from the outlet at the bulkhead of the Lewistown reservoir to Long's dam in Logan county. Provided, however, that no part of this money shall be expended until the obstruction known as Long's dam shall be removed by the interested parties living along the proposed improvement. The cost for the purchase of the dam and mill property shall be assessed against the benefited parties as provided by law for the construction of county and joint county ditches.

Payment of
appropriation.

SECTION 2. The funds herein provided for shall be paid from any moneys in the treasury not otherwise appropriated.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
 ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
 462G

[House Bill No. 1089.]

AN ACT

To amend an act entitled "An act relating to life insurance companies doing business in the state of Ohio," passed April 10, 1889 (vol. 86 O. L. p. 220).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That an act entitled "An act relating to life insurance companies doing business in Ohio," be so amended as to read as follows:

Life insurance companies:

Sec. 1. That no life insurance company doing business in Ohio, shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or payment of premiums, or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contract it makes; nor shall any such company, or any agent thereof, make any contract of insurance, or agreement as to such contract, other than is plainly expressed in the policy issued thereon; nor shall any such company or agent pay or allow, or offer to pay or allow, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

Distinction or discrimination among insurants contracts or agreements not expressed in policy, or inducements to insure, unlawful.

Sec. 2. Every corporation which shall violate any of the provisions of this act shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, to be recovered by action in the name of the state, and the amount so recovered shall be paid into the county treasury for the benefit of the common school fund.

Penalty for violation by corporation.

Sec. 3. Every officer or agent of any such corporation who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred dollars nor exceeding five hundred dollars, or imprisoned in the jail of the county not exceeding thirty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Penalty for violation by officer or agent of corporation.

Revocation of
license for vio-
lation.

Sec. 4. It shall be the duty of the superintendent of insurance, upon being satisfied that any such corporation, or any agent thereof, has violated any of the provisions of this act, to revoke the license of the company, or agent, so offending, and no license shall be granted to such company, or agent, for one year after such revocation.

Repeals, etc.

SECTION 2. That said original act is hereby repealed; and this act shall take effect on its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

463G

[House Bill No. 1213.]

AN ACT

To amend supplementary section 3467a of the Revised Statutes of Ohio.

Felony:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That supplemental section 3467a of the Revised Statutes of Ohio, passed March 2, 1892 (O. L., v. 89, p. 52), be and the same is hereby amended so as to read as follows:

Penalty for unlawfully obtaining, using, intercepting or delaying telegraphic or telephonic message, or destroying or interfering with property of electric street railway or electric light plant.

Sec. 3467a. Whoever shall wilfully and maliciously cut, break, tap or make any connection with, or read or copy by the use of telegraph or telephone instruments or otherwise in any unauthorized manner, any telegraphic message or communication from any telegraph or telephone line, wire or cable, so unlawfully cut or tapped in this state, or make unauthorized use of the same, or who shall wilfully and maliciously prevent, obstruct or delay by any means or contrivance whatsoever the sending, conveyance or delivery in this state of any unauthorized telegraphic message or communication by or through any telegraph or telephone line, cable or wire under the control of any telegraph or telephone company doing business in this state; or who shall wilfully or maliciously destroy, disconnect, displace, cut, break, tap, ground, or make any connection with or in any way wilfully and maliciously interfere with any of the poles, cables, or wires legally erected, put up or strung, electrical apparatus, appliances or machinery of any kind used in the construction of or in the operating of any electrical street railway or electric light plant or plant used in the producing or generating electric power in this state; or who shall wilfully or maliciously aid, agree with, employ or conspire with any other person or persons to do any of the aforementioned unlawful acts, shall be deemed guilty of felony, and shall be punished by a fine of no more than one thousand dollars nor less than two hundred

dollars, or by imprisonment in the penitentiary for a period of not less than one year nor more than three years, or by both fine and imprisonment, within the limits hereinbefore specified, at the discretion of the court. Prosecutions under this act shall be by indictment in any court having criminal jurisdiction.

Prosecutions.

SECTION 2. That said supplemental section 3467a be and the same is hereby repealed; and this act shall take effect on its passage.

Repeals, etc.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

464G

[House Bill No. 1255.]

AN ACT

To amend section 4215 of the Revised Statutes of Ohio, as amended March 22, 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 4215 of the Revised Statutes be amended so as to read as follows:

Animals:

Sec. 4215. Any person damaged by the killing or injury of sheep by dog or dogs, may present a detailed account of the injury done, with damages claimed therefor, verified by affidavit at any regular meeting of the trustees of the township where the damage or injury occurred, and within six months thereafter, which account shall state the kind, grade, quality and value of the sheep so killed, and nature and amount of the injury, and shall make it appear to the satisfaction of the trustees upon the parole testimony of at least two other persons who are freeholders of the neighborhood where the injury was done, that the damage claimed is just and reasonable; and also make it appear that such injury was not caused in whole or in part by any animal kept or harbored by him, or by any employe or tenant of the owner upon such owner's premises, and that he does not know whose animal committed such injury, or if known, and such account reduced to judgment could not be collected on execution; and the witnesses in such cases, not exceeding two, shall be allowed fifty cents each and mileage as in other cases; the trustees are hereby authorized and empowered to administer oath or affirmation to any such claimant or witness; provided, however, that if the sheep killed or injured are in the care of an employe or tenant of the owner of the same, such affidavit may be made by such employe or tenant, and the testimony of such employe or tenant may be received in regard to all matters relating thereto to which such owner would be competent to testify.

Statement of damages for sheep killed or injured by dogs.

Witnesses.

Fees of witnesses.

Oath of claimant and witness
Employe or tenant.

Hearing, allowance, indorsement, transmission and record of claims.

Examination and order for payment.

Payment.

When fund insufficient; transfer of excess.

Cuyahoga county.

Lucas county.

Richland county.

Blanks for accounts, affidavits and testimony.

Repeals.

The trustees shall hear such claims in the order of their filing, and may allow the same or such parts thereof as they may deem right, and if satisfied that such claim is correct and just, they shall indorse thereon the amount allowed and transmit the same with the testimony so taken, together with the fees due witnesses over their own official signatures to the county commissioners, in care of the county auditor, who shall enter upon a book to be kept for that purpose, in their order, each claim received; the county commissioners shall at their next regular meeting examine the same, and if found in whole or in part correct and just, order the payment thereof, or such parts as they may have found correct and just, to be paid out of the fund created by the per capita tax on dogs; and such claims as may have been allowed in whole or in part, shall be paid at the annual meeting in September; and provided that if such fund is insufficient to pay all such claims in full they shall be paid pro rata; and if, after paying all such claims at any such session, there remain more than one thousand dollars of such fund, the excess, or a part thereof, may be transferred to the school fund and be used for the benefit of the common schools in such county; but in Cuyahoga county so much of the excess as may be required may be appropriated to the payment of the amount authorized by the second section of the act relating to industrial schools or children's homes, passed April 24, 1877; and provided, further, that in counties having therein a city of the third grade of the first class in which there exists a society "to prevent cruelty to animals," organized under chapter 12, title 2, of the Revised Statutes, the said excess shall be paid over to the treasurer of said society; and provided, further, that in any county having at the last federal census, or which at any subsequent federal census may have, a population of not less than 38,000 nor more than 38,100, the county commissioners may examine and pay such claims for sheep killed or injured by dogs at any regular quarterly session of such commissioners; all accounts, affidavits and testimony shall be made upon blanks, the form of which shall be prepared by the secretary of state, and which blanks shall be furnished by the county commissioners.

SECTION 2. That section 4215, as amended March 22, 1892, be and the same is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate

Passed April 27, 1893.

465G

[House Bill No. 1280.]

AN ACT

To supplement section 3958 of the Revised Statutes of Ohio, as amended April 14, 1884 (81 O. L., p. 177).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3958 of the Revised Statutes of Ohio, as amended April 14, 1884 (81 O. L., 177), be supplemented as follows: Schools.

Sec. 3958a. Each board of education of any city, special or village school district may, if they so choose, at any regular or special meeting, establish public kindergarten schools in connection with the public schools of said city, special or village school district, for the children of said city, special or village school district, between the ages of four and six years; and may, at the meeting provided for in section 3958, determine what part of the contingent fund provided for in sections 3958 and 3959 shall be set aside for such purpose; provided, no part of the state fund shall be appropriated therefor; but said boards of education may provide an additional sum for said kindergarten instruction by the levy of a tax not exceeding one mill, in addition to the levy provided for in section 3959, as amended March 24, 1892 (89 O. L., 142). Public kindergartens.

SECTION 2. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

466G

[House Bill No. 1296.]

AN ACT

To amend section 2904 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2904 of the Revised Statutes of Ohio be amended as to read as follows: Forfeited lands:

Sec. 2904. The auditor of each county on receiving from the auditor of the state the list of lands within his county as aforesaid, in case the tax and penalties due thereon shall not have been paid on or before the 15th day of October next ensuing, shall, forthwith, thereafter, cause notice thereof to all concerned, to be advertised four weeks successively, describing the lands in the same manner they are described on the list furnished by the auditor of state, in a newspaper in the English language printed in his county, if any such there be, and if not in some English Duty of county auditor as to sale.

newspaper in circulation therein, and, except in counties containing cities of the second grade of the first class, also in one newspaper of the German language if there shall be printed and published a newspaper in the German language and of general circulation in his county, that if the tax and penalties charged on said list be not paid into the county treasury and the treasurer's receipt produced therefor before the time specified in this chapter for the sale of said lands (which day shall be named in said notice), that then and in that case each tract so as aforesaid delinquent on which the taxes and penalties may remain unpaid will, on the second Monday of December thereafter be exposed, for sale at the court-house, or usual place of holding courts in such county, in order to satisfy such taxes and penalties; and the auditor in each county shall, on the said second Monday of December attend at the court-house, or usual place of holding courts in said county, and proceed to sell the whole of each tract of land as contained in said list, at public auction, to the highest bidder; in selling whereof, he shall offer each tract separately, beginning with the first tract contained in said list and so continue on through said list, until each tract contained therein shall be sold; the county auditor is hereby authorized to adjourn the sale therein specified from day to day until he shall have disposed of or offered for sale each and every tract of land specified in the notice, and the notice of sale required by this chapter to be given, shall set forth that the sale will be so continued; provided, that nothing in this section shall be so construed as to prevent said auditor from offering, in his discretion, any tract of land two or more times at the same sale.

Repeals, etc.

SECTION 2. That said original section 2904 be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

467G

[House Bill No. 1464.]

AN ACT

To amend section 2652 of the Revised Statutes of Ohio.

Council:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 2652 of the Revised Statutes of Ohio be and the same is hereby amended so as to read as follows:

Vacation, narrowing or change of name of streets, avenues or alleys.

Sec. 2652. The council of any city or village, on petition by any person owning a lot in the corporation praying that a street or alley in the immediate vicinity of such lot may be vacated or narrowed, or the name thereof changed,

may, upon hearing, and upon being satisfied that there is good cause for such change of name, vacation or narrowing, that it will not be detrimental to the general interest, and that the same should be made, declare by ordinance such street or alley vacated, narrowed, or the name thereof changed; provided, however, that where, in any city or village, there shall be two or more streets, avenues or alleys of the same name, the council may, by ordinance and without petition therefor, change the name of any such street, avenue or alley, so as to leave only one street, avenue or alley to be designated by said original name. And council may include in one ordinance the change of name of more than one street, avenue or alley.

SECTION 2. Said original section 2652 is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
468G

[Senate Bill No. 573.]

AN ACT

To supplement section 421 of the Revised Statutes, relating to the duties of the clerk of the supreme court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 421 of the Revised Statutes of Ohio be supplemented with sectional numbering as follows:

Clerk of
supreme court:

Sec. 421c. The clerk shall, on the first Monday of June in each year, make out a certified list of causes in which money has been paid, and which have remained in his hands, or any former clerk, for the period of one year next preceding the said first Monday of June, designating the amount and in whose hands the same is, which list shall forthwith be posted in a conspicuous place in his office for the period of thirty days.

Annual list of
unclaimed costs.

[Sec.] 421d. All such advertised moneys, fees, costs, debts, etc., remaining in the hands of such clerk at the expiration of said thirty days shall be, by said clerk, or successor, paid over to the treasurer of state, on the order of the auditor of state, indicating in each item in his cash book and docket the disposition made thereof; said moneys shall be held by said treasurer of state as a special fund entitled "unclaimed costs in supreme court;" and every clerk who retired from office on the first Monday at once, on the passage of

Disposition of
such funds.

Delivery of
other moneys to
successor.

his act, pay over to his successor

Return of
money to person
entitled therefor.

Record of
moneys paid
into state
treasury.

Fees of clerk.

all other moneys in his hands, received as such officer; and every clerk hereafter immediately upon ceasing to be such clerk shall pay over to his successor aforesaid all money then in his hands, received as such clerk; and any person entitled to any money turned into the treasury aforesaid, under this section, shall, upon demand, receive a warrant therefor from the auditor of state upon such fund as hereafter provided, upon the certificate of the clerk in office at the time said demand is made; and said clerk shall keep a book, which shall be considered a part of the records of his office, showing in detail all the moneys paid by him into the state treasury, with proper references showing where such item may be found on the respective cash books and dockets, giving the names of the parties to whom said money belongs, in alphabetical order; a detailed statement of each item shall be furnished the auditor of state, and no clerk shall receive from his successor in office any fees earned by him, which shall at any time, come into the hands of said successor, until the settlements required under this section are strictly complied with. For making out lists as herein provided for, and payment of unclaimed moneys into the state treasury, the clerk shall be allowed five per centum on the amount so paid.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.
469G

[House Bill No. 1821.]

AN ACT

To amend supplementary section 621b and to repeal section 1719a of the Revised Statutes of Ohio.

Justices of the
peace (Cincinnati and Cleveland):

Duty as to fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That supplementary section 621b, of the Revised Statutes of Ohio, passed May 4th, 1891 (88 O. L. page 523), be amended so as to read as follows:

Sec. 621b. It shall be the duty of each of said justices of the peace, whose salaries are provided for in said supplementary section 621a of the Revised Statutes of Ohio, to collect the fees as provided in sections six hundred and fifteen and six hundred and twenty-one of the Revised Statutes of Ohio, and make return under oath to the city treasurer on the first Saturday of January, April, July and October of each year, of all fees collected by him, and pay the same into the city treasury; he shall also make a return to the city treasurer of all fees at the same time due and

uncollected; he shall, within five days after the expiration of his term of office, make an itemized statement, under oath, to the city treasurer, of all fees uncollected by him; and it is hereby made the duty of said city treasurer to collect said unpaid fees, out of which he is authorized to retain ten per cent. of the amount collected for his services, and account for the balance as other funds of such city coming into his hands as treasurer.

Duty and compensation of city treasurer.

SECTION 2. That said original supplementary section 621^b and also supplementary section 1719^a, Revised Statutes of Ohio, both passed May 4th, 1891 (88 Ohio laws, page 523), be and the same are hereby repealed.

Repeals.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Passed April 27, 1893.
470G

[House Bill No. 1886.]

AN ACT

To provide against the offense of hazing in the colleges and other institutions in the state of Ohio, and for the punishment of crimes resulting therefrom.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person or persons to engage in or aid or abet what is commonly called hazing in or while attending any of the colleges, public schools or other institutions of learning in this state, and whoever participates in the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than one hundred dollars (\$100.00) or imprisoned not less than thirty days nor more than one year or both, at the discretion of the court.

Hazing in educational institutions unlawful; penalty.

SECTION 2. That whenever any tattooing or permanent disfigurement of the body, limbs or features of any person or persons may result from such hazing by the use of nitrate of silver or any like substance, it shall be held to be a crime of the degree of mayhem, and any person guilty of the same shall, upon conviction, be punished as provided by law.

Mayhem, and punishment therefor.

SECTION 3. This act shall take effect and be in force from and after its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

472G

[House Bill No. 1887.]

AN ACT

To amend section 2387 of the Revised Statutes of Ohio.

Assessments—
sewers:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section two thousand three hundred and eighty-seven of the Revised Statutes be amended so as to read as follows:

Notice of assess-
ment to be pub-
lished.

Sec. 2387. After the report is filed, the council shall cause not less than ten days' notice to be given, in some newspaper of general circulation in the corporation, setting forth the object of such assessment, and that the same will come before the council for confirmation at a time to be specified in the notice. And in any city of the third grade or the first class, if a newspaper printed and published in the German language is published in said city, such notice shall also be published in such newspaper for the same time and in the same manner as above provided.

Toledo.

Repeals, etc.

SECTION 2. That said section 2387 of the Revised Statutes be and the same is hereby repealed; and this act shall take effect on its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

473G

[House Bill No. 1892.]

AN ACT

To supplement section 1720 of the Revised Statutes of Ohio by enacting supplemental section 1720c.

Officers of
cities:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 1720 of the Revised Statutes of Ohio be supplemented by a supplemental section, to be numbered 1720c, as follows:

Sec. 1720c. In cities of the third grade of the first class the board of revision, in addition to the powers conferred by section 1720, shall have the power to suspend from office, by unanimous vote, upon due hearing after written charges have been preferred and heard, any elective or appointive officer of such municipality. Immediately after such suspension said board of revision shall transfer all charges, papers, and the findings thereon, together with a transcript of the proceedings of said board, to and file in the probate court of the county in which such municipality is located; within ten days after said papers have been transmitted to said court the officer suspended may make application there-to, for a hearing thereon, which application shall constitute an appeal from the findings of the said board of revision, providing that said suspended officer shall not be entitled to perform the duties, nor to receive the emoluments of office, during the pendency of said hearing in said court. Proceedings upon said appeal shall be conducted according to the provisions of the statutes in relation to impeachment, save that no charges, in addition to those originating in said board of revision, or notice thereon, shall be necessary. If such suspended officer, within ten days after papers have been filed in the probate court as herein provided, shall not make application for a hearing thereon, the order suspending said officer shall be final and constitute a removal from office, and the vacancy so occurring shall be filled according to law.

Suspension of
officers in
Ohio.

SECTION 2. This act shall take effect on its passage.

ELVERTON J. CLAPP,

Speaker pro tem. of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Passed April 27, 1893.

474G

[House Bill No. 1294.]

AN ACT

To provide for the records of power of attorney authorizing the transfer of any personal property or the transaction of any business relating thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the recorder of each county to keep a separate record, in which shall be recorded powers of attorney authorizing the transfer of any personal property or the transaction of any business relating thereto. Upon presentation of any such power of attorney, he shall indorse thereon the date of its presentation, and after such power of attorney is recorded he shall indorse thereon the time when recorded, and the number or letter and page or pages of the book in which the same is recorded. He shall, also, make and keep up an alphabetical index of each power of attorney so recorded.

Record of
power of attorney
authorizing
transfer of personal
property,
etc.

Admission of
such instrument
to record.

Execution of
such instru-
ment; value of
copy of record
as evidence.

Fees of recorder.

SECTION 2. Any person or persons interested may have any such power of attorney authorizing the transfer of any personal property, or the transaction of any business relating thereto admitted to record in the recorder's office of the county in which any such personal property may be situated, or in which any of such business is to be transacted. Such instrument shall be duly signed, witnessed and acknowledged as deeds and mortgages are required by law to be, and when so executed, acknowledged and recorded, a copy of the record thereof, duly certified by the county recorder, with his official seal affixed thereto, shall be received in all courts and places within this state as prima facie evidence of the existence of such instrument and as conclusive evidence of the existence of such record.

SECTION 3. The recorder shall charge such fee for the record of any such instrument, the indexing of the same and for making a certified copy of the record thereof, as he is now by law allowed to charge for like services in regard to mortgages and deeds of conveyances, and which said fees shall be accounted for and paid over by him as required by law.

SECTION 4. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.

ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 27, 1893.

476G

[House Bill No. 1318.]

AN ACT

To amend sections 2270, as amended April 25, 1885 (82 O. L. 155), and 2271, as amended April 15, 1892 (89 O. L. 328), of the Revised Statutes of the state of Ohio.

Assessments: SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 2270 as amended April 25, 1885, and 2271 as amended April 15, 1892, of the Revised Statutes of Ohio, be so amended as to read as follows:

Limitation on
special taxation
or assessments
in municipal-
ities other than
Hamilton and
Cuyahoga
county cities
and villages and
Toledo.

Sec. 2270. In municipal corporations other than cities of the first class, or in incorporated villages in counties containing a city of the first or second grade of the first class, the tax or assessment specially levied and assessed on any lot or land, for any improvement, shall, in no case, except as provided in section 2272, amount to more than twenty-five per centum of the value of the property as assessed for taxation, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment, in any one year, more than one-fifteenth

of the value of the property on which the assessment is made, as valued on the county tax list for taxation.

Sec. 2271. In cities of the first grade of the first class, and in corporations in counties containing a city of the first grade of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section 2272, exceed twenty-five per centum of the value of such lot or land after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment, in any one year, more than one-tenth of such value of the property on which the assessment is made; and in other cities of the first class, and in corporations in counties containing a city of the second grade of the first class, the tax or assessment specially levied or assessed upon any lot or land for any improvement, shall not, except as provided in section 2272, exceed twenty-five per centum of the value of such lot or land, as determined by the council in advance of the assessment or at the time of making the same, which valuation shall not exceed a fair market value of such lot or lands after the improvement is made, and the cost exceeding that per centum shall be paid by the corporation out of its general revenue; and, except as provided in section 2272, there shall not be collected of such assessment, in any one year, more than one-tenth of such value, of the property on which the assessment is made; and in cities of the third grade, first class, said tax or assessment shall not in any case exceed twenty-five per centum of the value of such lot or land after the improvement is made, and such value shall not be determined in advance, nor by the common council; and whenever any street or avenue is opened, extended, straightened or widened, the special assessment for the cost and expense, or any part thereof, shall be assessed only on the lots and lands bounding and abutting on such part of such street or avenue so improved, and shall include of such lots and lands only to a fair average depth of lots in the neighborhood, but shall also include other lots and parts thereof and lands to such depth; and whenever at least one-half in width of any street or avenue has been dedicated to such purpose from the lots and lands lying on one side of the line of such street or avenue, and such street or avenue is widened by taking from the lots and lands on the other side thereof, no part of the cost and expense thus incurred shall be assessed on the lots and lands lying on said first mentioned side, but only upon the other side, and as aforesaid, but said special assessment shall not be in any case in excess of benefits; which a street or avenue is opened, extended, straightened or widened, a part of the cost and expense thereof, not in excess of benefits, may be assessed upon the lots and lands bounding and abutting on mentioned side" of such street or avenue, or of any inter-

Limitation on special taxation or assessments in Hamilton county municipalities.

Toledo and Cuyahoga county municipalities.

Toledo.

secting street or avenue, as the owners of a majority of the feet front thereof have petitioned for such improvement and consented in such petitions to be so assessed; also provided, that nothing in this section contained shall apply to any improvement ordered, commenced or completed prior to the passage of this act.

Repeals, etc.

SECTION 2. That said section 2270, as amended April 25, 1885, and 2271, as amended April 15, 1892, are hereby repealed, and this act shall take effect and be enforced from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

477G

[House Bill No. 1465.]

AN ACT

To amend sections 595, 6560 and 6565 of the Revised Statutes of the state of Ohio.

Justices of the
peace:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 595, 6560 and 6565 be amended so as to read as follows:

Entries in
docket.

Sec. 595. The several particulars in the next preceding section specified, must be entered under the title of the action to which they relate, and at the time when they occurred, but bills of exception, as provided for in section 6565, need not be spread upon the docket, but the justice shall simply enter on his docket the signing and filing of the same with date thereof. Such entries in the justice's docket, or a transcript thereof, certified by the justice or his successor in office shall be evidence to prove the facts stated therein.

Causes for
which new trial
to be granted;
application and
time for such
trial.

Sec. 6560. The justice before whom a cause is tried shall, on the application of the aggrieved party, grant a new trial for any of the causes named in subdivisions 1, 2, 3, 4, 5, 6, 7 and 8 of section 5305, or for fraud or undue means of the prevailing party. Said application must be by written motion setting out the grounds for new trial, and must be filed with the justice within two days after the judgment is entered, and must be determined by the justice within five days after the entry of judgment. Application for a new trial for causes named in subdivisions 2, 3 and 7 of section 5305 must be sustained by affidavit. If a new trial is granted, the justice must fix a time for the new trial, and the opposite party shall have at least three days' notice.

Exceptions.

Sec. 6565. In all cases before a justice of the peace, whether tried by jury or by the justice, either party shall have the right to except to the decisions of the justice upon

any matter of law arising in the case. The party objecting to the decision must except at the time the decision is made, and if required by the party objecting, time shall be given to reduce the exceptions to writing, but not more than ten days nor less than five days beyond the date after overruling of the motion for a new trial, or from the decision of the justice, when a new trial is not necessary; when, however, the decision objected to is entered on the record, and the grounds of the objection appear in the entry, the exception may be taken by the party causing same to be noted at the end of the entry, that he excepts, but when the decision is not entered on the record or the grounds of the objection do not sufficiently appear in the entry, or the exception is to the decision of the court on a motion to direct a non-suit, or to arrest the testimony from the jury, or for a new trial, because the verdict, or if a jury is waived, the finding of the court is against the law and the evidence, or on the admission or rejection of evidence, the party excepting must reduce his exceptions to writing and present the same to the trial justice or his successor, within the time herein limited, and if the same is correct he shall sign said bill of exceptions and file the same with the papers in the case, and note such signing and filing in his docket, and transmit the same with the transcript of his docket and original papers, within ten days from the date of signing, to the clerk of the court of common pleas, and by him filed and entered on his trial docket as in other cases. The party demanding such transcript shall, if required, pay the fees of the justice therefor in advance.

SECTION 2. Said original sections 595, 6560 and 6565 are hereby repealed, and this act shall take effect on and after July 1, 1893. Repeals, etc.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Passed April 27, 1893.
478G

[House Bill No. 1560.]

AN ACT

To provide for the abolition of dangerous grade crossings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That if* the council or board of legislation of any municipal corporation in which any railroad or other at grade [or] other public highway cross each other at grade, outside of any municipal corporation, a railroad or railroad and any public road or highway cross each other at grade, and *otherwise, or the commissioners of any* the directors of the railroad com-

Manner of altering or abolishing grade or other crossings:

pany or companies are of the opinion that the security and convenience of the public require that alterations shall be made in such crossing, or in the approaches thereto, or in the location of the railroad or railroads or the public way, or any grades thereof, so as to avoid a crossing at grade, or that such crossing should be discontinued with or without building a new way in substitution therefor, and if they agree as to the alterations which should be made, such alterations may be made in the following manner:

Resolution pertaining to such alteration or abolition.

SECTION 2. When it is deemed necessary by any municipality or by any county to join with any railroad company or companies in the alteration or abolition of any grade or other crossing, the council or board of legislation of the municipality, by a two-thirds vote of all the members elected thereto, or the commissioners of the county, by a unanimous vote of all the members thereof, shall, by resolution, declare such necessity and intent, and shall state in such resolution the manner in which the alterations in the crossing are to be made, giving the method of constructing the new crossing with the grades for the railroad or railroads and the public way or ways; also what land or other property it is necessary to appropriate, and how the cost thereof shall be apportioned between the municipality or county and the railroad company or companies; also by whom the work of construction is to be done and how the cost thereof shall be apportioned between the municipality or county and the railroad company or companies. Such resolution shall be published and notice of its passage given to owners of property abutting on the proposed improvement in the manner provided in section 2304 of the Revised Statutes, and all claims for damages by reason of such improvement, must be filed in the manner and within the time provided by section 2315 of the Revised Statutes.

Publication; notice to property owners; claims for damages.

Determination as to proceeding with proposed improvement; ordinance or resolution upon decision to proceed.

SECTION 3. In not less than thirty nor more than ninety days after the passage of the resolution provided for in section two (2) hereof, the council, board of legislation or commissioners shall determine whether it or they will proceed with the proposed improvement or not; if it is decided to proceed therewith, an ordinance by the council or resolution by the commissioners shall be passed, which ordinance or resolution shall contain, in addition to the terms and conditions stated in the resolution under section two (2) hereof, the plans and specifications of the proposed alteration and improvement, also a statement of the damages claimed or likely to accrue by reason thereof, and how the payment thereof shall be apportioned between the municipality or county and the railroad company or companies; also who shall supervise the work of construction. Upon the acceptance of this resolution or ordinance by resolution by the railroad company or companies through the directors thereof, the same shall constitute an agreement which shall be valid and binding on the municipality or county and the railroad company or companies respectively; provided,

Agreement between municipality or county and railroad company.

however, that such agreement shall be thereupon filed in the court of common pleas of the county in which the crossing is located, for entry upon the records thereof; whereupon it shall have the same force and effect as a decree of the court.

SECTION 4. The land or property required to make the alteration in the street or highway necessitated by the proposed improvement, shall be purchased or appropriated by the municipality or county after the manner provided by law for the appropriation of private property for public use, and the land or property required to make the alteration in the railroad or railroads necessitated by the proposed improvement, shall be purchased or appropriated by the railroad company or companies after the manner provided for the appropriation of private property by such corporation.

Purchase or appropriation of necessary land or property.

SECTION 5. The cost of the construction of the improvement in the crossing, including the cost of land or property purchased or appropriated, and the payment of damages to abutting property shall be apportioned as follows: The railroad company or companies (if several railroads cross a public way at or near the same point) shall pay not less than 65 per centum of such cost, and the municipality or county shall pay not more than 35 per centum of such cost. Within these limits the apportionment may be fixed by the agreement under section three (3) hereof.

Apportionment of cost.

SECTION 6. After the completion of the work, the crossing and its approaches shall be kept in repair as follows: When the public way crosses the railroad by an overhead bridge, the frame work of the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the surface of the bridge and its approaches shall be maintained and kept in repair by the municipality or county in which the same are situated. When the public way passes under the railroad, the bridge and its abutments shall be maintained and kept in repair by the railroad company, and the public way and its approaches shall be maintained and kept in repair by the municipality or county in which they are situated.

Repairs

SECTION 7. For the purpose of raising the money to pay the proportion of the cost of such improvement, payable by the municipality or the county, the bonds of the municipality or the county may be issued to the necessary amount, which bonds shall be of such denomination and payable at such place and times as the council or board of legislation, or the commissioners may determine, and shall bear interest not exceeding five per cent. per annum, and shall not be sold for less than their par value. A tax on the taxable property of the municipality or county not exceeding one-half mill in each year may be levied to pay the principal and interest of the bonds as the same may mature. After the completion of the improvement, a tax may be levied by the municipality or county to pay the cost of

Bonds and tax.

maintaining and keeping in repair that part of the work required to be maintained and kept in repair by it.

Assessment and determination of claims for damages.

SECTION 8. All claims for damages, by reason of such improvement, filed in accordance with the provisions of section two (2) hereof, shall be assessed and determined in accordance with the provisions of sections 2316 to 2326, inclusive, of the Revised Statutes, and either before commencing or after the completion of the proposed improvement, as the council or board of legislation or commissioners may decide at the time it is determined to proceed with the proposed improvement.

Failure of railroad company to comply with provisions of agreement.

SECTION 9. In case the railroad company fails to comply with any provisions of any agreement entered of record in a court of common pleas, under this act, such court, upon the application of a city solicitor or prosecuting attorney, stating the nature of such non-compliance, may make such orders and decrees as it may deem proper and just to enforce the terms of the agreement and the requirements of this act on the part of the railroad company, and to secure its compliance therewith, and for such purpose may, if it deem the same necessary, restrain and enjoin the railroad company from the use of its track and the operation of its railroad on and over the crossing in question, until it shall have complied with the order and decree of the court; provided that nothing in this act shall be construed to exempt railroad companies from any obligations or liabilities under existing statutes.

Grade crossing on county line road.

SECTION 10. When any grade crossing is on a county line road, the commissioners of each county in which such crossing is situated may join in all the proceedings necessary for the abolition of such grade crossing as provided in this act, and that part of the cost of making such change in the crossing and of keeping the same in repair which is not agreed to be paid by the railroad company or companies, shall be paid by the counties in equal proportions, and the money for such purpose shall be raised in accordance with section seven (7) of this act.

SECTION 11. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

479G

[House Bill No. 1647.]

AN ACT

To supplement section 7362 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 7362 be supplemented by the following section numbered as indicated:

New trials,
motions in ar-
rest, etc.:

Sec. 7362a. In all cases of conviction for felony, except for murder in the first degree, where the defendant has been committed to the penitentiary, and sentence has been or may be suspended, the clerk of the court in which the entry or order is made which operates a suspension of the sentence, shall, under the seal of the court, forthwith certify the same to the warden of the penitentiary, who shall, thereupon, cause the defendant to be conveyed to the jail of the county in which he was convicted and committed to the custody of the sheriff thereof, to be safely kept, unless admitted to bail, pending the decision of the petition in error or the termination of the suspension of sentence, when, if the judgment be affirmed, or the suspension of sentence terminated, the defendant shall be conveyed by the sheriff to the penitentiary to serve the balance of his term of sentence; provided, the supreme court may in the order allowing the filing of a petition in error provide that the defendant shall be retained in the custody of the warden pending the decision of the court on the petition in error, in which case the warden shall retain the defendant.

Custody of de-
fendant com-
mitted to peni-
tentiary pend-
ing decision of
petition in
error or termi-
nation of sus-
pension of sen-
tence.

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

480G

[House Bill No. 1757.]

AN ACT

Making appropriations to pay deficiencies and liabilities existing prior to February 15, 1893.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums are hereby appropriated out of any moneys in the treasury to the credit of the general revenue fund not otherwise appropriated, to pay deficiencies and liabilities, as herein specified, existing prior to February 15, 1893, to wit:

Appropriations
for payment of
deficiencies and
liabilities.

Salary four regular
dred and seventy-eight d
Salary two firemen, one

Adjutant-
General's Office.
Laborers, two thousand one hun-
dred and eleven cents (\$2,178.11).
ars and eleven cents
hundred and seventy-five dollars

Appropriations
for payment of
deficiencies and
liabilities.

(\$175). For water rent, two hundred and sixty-six dollars and sixty-six cents (\$266.66). For care and repairs of heating apparatus, one thousand and thirty-seven dollars and ten cents (\$1,037.10). For electric light for state-house, three thousand five hundred dollars (\$3,500). Furniture and carpets, office food and dairy commissioner, three hundred dollars (\$300). Pay O. N. G. in camp, two thousand two hundred and eighty-four dollars and fifty cents (\$2,284.50). Subsistence O. N. G. in camp, two hundred and eighty-six dollars and thirteen cents (\$286.13). Material and repairs, four hundred and sixty-four dollars and forty-eight [cents] (\$464.48).

Ohio Agricultural Station.

Expenses board of control, two hundred and fifteen dollars and ninety-three cents (\$215.93).

Board of Public Works.

Northern division Ohio canal, four thousand seven hundred dollars (\$4,700). Southern division Ohio canal, nine thousand four hundred dollars (\$9,400).

School Commissioner's Office.

Contingent expenses, forty-eight dollars (\$48). Expenses state board of school examiners, seventy-seven dollars and sixty-four cents (\$77.64).

Commissioners of Public Printing.

Printing paper, ten thousand and three dollars and eighty-one cents (\$10,003.81).

Commissioner of Railroads and Telegraphs.

Expenses outside of office, one hundred dollars (\$100). Expert bridge and inspection, two hundred dollars (\$200). Contingent expenses, one hundred and seventy-five dollars (\$175). Blanks for annual report inter-state commerce commission, three hundred and twenty-five dollars (\$325).

Dairy and Food Commissioner.

Salary of commissioner, twelve dollars and fifty cents (\$12.50). Commissioner's expenses, eleven dollars and ninety-eight cents (\$11.98). Salary assistant commissioner, forty-six dollars and sixty-six cents (\$46.66). Assistant commissioner's expenses, sixty-five dollars (\$65).

State Forestry Bureau.

Expenses of forestry bureau, sixty dollars and thirty-three cents (\$60.33).

Governor's Office.

Contingent fund, one hundred dollars (\$100).

Chief Inspector of Mines.

Salary of district inspectors, one thousand four hundred dollars (\$1,400). Contingent expenses, eight hundred and seventy-one dollars and twenty-six cents (\$871.26).

Inspector of Workshops and Factories.

Contingent expenses, three hundred dollars (\$300).

Secretary of State Department.

Salary of stenographer, one hundred dollars (\$100).
Extra clerk hire, five hundred and fifty dollars (\$550).

Appropriations
for payment of
deficiencies and
liabilities.

Supervisor of Public Printing.

State binding, five thousand dollars (\$5,000). Binding machinery, one thousand two hundred dollars (\$1,200). State printing, thirteen thousand five hundred and forty-four dollars and fifty cents (\$13,544.50).

Prosecution and Transportation.

Prosecution and transportation of convicts, seventeen thousand four hundred and seventy-two dollars and four cents (\$17,472.04).

Ohio Penitentiary.

Salary of managers, two hundred and fifty-six dollars and sixty-two cents (\$256.62). Current expenses, twenty-four thousand eight hundred and twenty-three dollars and ninety-four cents (\$24,823.94). Rewards to convicts, one thousand six hundred and seventy-one dollars and sixty-four cents (\$1,671.64). Manufacture of gas, four thousand one hundred and forty-one dollars and sixty-three cents (\$4,141.63). Carpets and furniture, three hundred and twenty dollars and forty-one cents (\$320.41).

Athens Asylum for the Insane.

Current expenses, five thousand nine hundred and ninety-two dollars and forty-six cents (\$5,992.46).

Ordinary repairs, seven hundred and seventy-six dollars and forty-six cents (\$776.46).

Cleveland Asylum for the Insane.

Heating apparatus for new cottages, one thousand five hundred dollars (\$1,500).

Columbus Asylum for the Insane.

Current expenses, sixteen thousand four hundred and eighty-three dollars and eighty-five cents (\$16,483.85).

Ordinary repairs, nine hundred and ninety-seven dollars and forty-two cents (\$997.42).

Carpets and furniture, nine hundred and ninety-two dollars and twenty-four cents (\$992.24).

Toledo Asylum for the Insane.

Current expenses, two thousand five hundred and eighty-six dollars and forty-seven cents (\$2,586.47).

Ordinary repairs, one thousand four hundred and eight dollars and fifty-six cents (\$1,408.56).

Additional wells, pumps, tanks and connections, one thousand four hundred and seven dollars and thirty-nine cents (\$1,407.39).

Connecting exhaust steam with heating system, six hundred and eighty-two dollars and forty-nine cents (\$682.49).

Institution for the Blind.

Trustees' expenses, fifty-two dollars and fifty-nine cents (\$52.59).

Appropriations
for payment of
deficiencies and
liabilities.

Institution for the Deaf and Dumb.

Trustees' expenses, two hundred and forty-one dollars and twenty-five cents (\$241.25).

Soldiers' and Sailors' Orphans' Home.

Net earnings, five hundred and twenty-two dollars (\$522).

Support of indigent children outside of home, four thousand one hundred dollars and fifty-four cents (\$4,100.54).

Ohio Working Home for the Blind.

Salesman's fund, four hundred and eight-seven dollars and twenty-eight cents (\$487.28).

Foreman's fund, one hundred dollars and seventeen cents (\$100.17).

Working capital, five thousand eight hundred and seventy dollars (\$5,870).

Miscellaneous.

To pay Charles A. Klie, to putting in radiator and connecting the same (senate), one hundred and thirty dollars (\$130).

To pay J. S. Abbott & Co. for repairs (senate), one hundred and eight dollars and forty-five cents (\$108.45).

To pay George C. Krauss, carpets, matting, upholstering, etc. (senate), three hundred and forty-seven dollars and seventy-five cents (\$347.75).

To pay Ohio Furniture Co., furniture (senate), three hundred and fifty-one dollars and thirty cents (\$351.30).

To pay George C. Krauss, carpets, curtains, etc. (house of representatives), one thousand four hundred and twelve dollars and sixty-eight cents (\$1,412.68).

To pay Charles A. Klie, plumbing, two hundred and eighteen dollars and eighty cents (\$218.80).

To pay John Fischer for painting and burnishing senate, house and committee rooms; three hundred and three dollars and fifty-eight cents (\$303.58).

To pay the Ohio Furniture Company, furniture and repairs (house of representatives), two hundred and eighty-eight dollars and twenty-five cents (\$288.25).

To pay J. S. Abbott & Co., hardware, paints, oils and glass (house of representatives), two hundred and ten dollars and forty-five cents (\$210.45).

To pay Edward J. Aston, brass railing for house of representatives, seventy-one dollars and fifty cents (\$71.50).

To pay J. M. and W. Westwater for flags, etc., for house of representatives, one hundred and fifty-five dollars and fifty cents (\$155.50).

To pay Frederick Blenkner, balance, thirty-six dollars (\$36).

To pay George Riley, labor, care of senate and house, eighty-four dollars (\$84).

To Andrew Jackson, sergeant-at-arms house of representatives, services performed before session commenced, fifty dollars (\$50).

To pay Jerome Jarvis for injury to horse (battery D), ninety-four dollars and fifty cents (\$94.50).

To pay the Rogers Iron Co., railing (senate), three hundred and ninety-seven dollars and fifty cents (\$397.50).

To pay Thomas McDougal, in full for legal services, one thousand two hundred and forty-one dollars and thirty cents (\$1,241.30).

SECTION 2. This act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

482G

[House Bill No. 1785.]

AN ACT

To amend section 3085 of the Revised Statutes of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section 3085 of the Revised Statutes be amended so as to read as follows: Militia:

Sec. 3085. The adjutant-general shall by contract or otherwise for a period not exceeding one year from the passage of this act provide for the [each] organization in the county, where a majority of the officers and enlisted men of any regiment, battalion, company, troop or battery reside, a suitable armory for the purpose of drill, and for the safe-keeping of the arms, equipments, uniforms and other military property furnished by the state, subject to the inspection and approval of any officer, detailed for such purpose by the commander-in-chief; and the expenses of the armories, including the necessary light and fuel, shall be paid by the state upon vouchers signed by the commanding officer of such military organization, approved by the adjutant-general, and audited and paid as other accounts against the state. Armories

SECTION 2. Section 3085 is hereby repealed; and this act shall take effect and be in force from and after its passage. Repeals, etc.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27 1893

483G

[House Bill No. 1808.]

AN ACT

To amend section 6334 of the Revised Statutes of Ohio.

Trustees:

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 6334 of the Revised Statutes be amended so as to read as follows:

Resignation or removal of trustee.

Sec. 6334. The probate court may accept the resignation of any trustee accounting therein, or who has been appointed thereby, and shall remove any such trustee, he having ten days' notice thereof, for habitual drunkenness, neglect of his duties, incompetency, fraudulent conduct, or because the interest of the trust requires such removal, or upon the written application of more than one-half of the heirs, or next of kin, or legatees having an interest in the estate so controlled by such trustee; but the trustee himself is not to be considered an heir, next of kin, or legatee under such proceedings; and when a minor for whom the trustee was appointed has, since the appointment, become a resident of the state, and for whom a resident guardian has been appointed, the probate court shall remove such trustee and require an immediate settlement of his account, and upon the resignation, removal or death of any such trustee accounting under this section, the probate court shall cause said estate to be settled up and administered upon according to law. Provided no trustee appointed under a will shall be removed upon such written application of said heirs, next of kin or legatees having an interest in such trust estate, unless for good cause.

Repeals, etc.

SECTION 2. Said original section 6334 is hereby repealed; and this act shall take effect and be in force from and after its passage.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Passed April 27, 1893.

484G

JOINT RESOLUTIONS.

[Senate Joint Resolution No. 21.]

JOINT RESOLUTION

Relative to the appointment of committees to notify the governor that the general assembly is ready for business.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and—on the part of the house be appointed to wait on the governor and inform him that the general assembly is now in session and ready to receive any communication he may see fit to transmit.

L. C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted January 11, 1893.

1

[House Joint Resolution No. 42.]

JOINT RESOLUTION

Relative to appointing a committee to wait upon the governor.

Resolved by the General Assembly of the State of Ohio, That a committee of—on the part of the senate and three on the part of the house be appointed to wait upon the governor and inform him that the general assembly is in session and ready to receive any communication he may desire to submit.

L. C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted January 11,

2

21

1893.

[House Joint Resolution No. 43.]

JOINT RESOLUTION

Relative to the two houses witnessing the count of the vote cast for secretary of state.

Resolved by the General Assembly of the State of Ohio, That the two houses of the general assembly meet in joint convention in the hall of the house of representatives, in accordance with the provisions of section 3 of article 3 of the constitution, on Wednesday, January 4, 1893, at 11 o'clock a. m., to witness the counting of the vote cast for secretary of state at the election held on the first Tuesday after the first Monday of November, A. D. 1892.

L. C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted January 11, 1893.

3

[Senate Joint Resolution No. 23.]

JOINT RESOLUTION

Relative to the Ohio experimental farm.

WHEREAS, The title to the farm, recently purchased near Wooster, Wayne county, and donated to the state for experimental purposes, is questionable in consequence of decisions of the courts already made, and litigation still pending; therefore,

Be it resolved by the General Assembly of the State of Ohio, That a committee consisting of three members of the senate and six members of the house, be appointed, who are hereby authorized and directed to examine the title and the manner and process by which this farm became the property of the state; also to thoroughly investigate and ascertain the best and most practical method of making the experimental farm serve the purpose for which it was established, and the location most convenient and from which the most satisfactory results can be obtained and report to the general assembly as soon as possible, together with such recommendations as they may think will serve the best interests of agriculture and the state.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted January 18, 1893.

4

[House Joint Resolution No. 52.]

JOINT RESOLUTION

Requesting the senators and representatives in congress to enact a certain bill relating to "selling short."

WHEREAS, The device now in general use on the exchanges and boards of trade, and known as "selling short," enables speculators to offer

for sale quantities of grain and other farm products many hundred fold in excess of the amount of such articles which are actually produced; and

WHEREAS, Said device provides no means for discovering, but on the contrary prevents a disclosure of how much of the articles so offered for sale is real or actual product and how much thereof is fictitious or in excess of the quantity actually produced, and in consequence thereof, the excessive or fictitious quantities so offered have all the force and effect which an actual overproduction could have in depressing the market price of said articles, and in preventing the farmer from realizing the fair and reasonable price he would obtain for his products if the value thereof was determined by the law of supply and demand rather than by the manipulations of this speculative and gambling device; and

WHEREAS, The trades or deals in farm products which are continually being made by speculators through the use of said device on the exchanges and boards of trade where values of such products are fixed and determined, have become so numerous and grown to such magnitude that they constitute one cause of depreciation in the value of farming lands and of the general depression which has existed for several years in the farming industry of the country; and

WHEREAS, It is manifest that the wrong thus afflicted [inflicted] on American farmers can not be remedied by state legislation without such legislation could be uniform in all of the several states, to obtain which would be impracticable, and that the remedy can only be secured through congressional enactment; now therefore,

Be resolved by the General Assembly of the State of Ohio, That the senators and representatives in congress assembled, be and are hereby requested to enact the bill introduced at the present session of congress by Mr. Hatch of Missouri, being house bill No. 2699, entitled "A bill defining 'options' and 'futures,' and imposing special taxes on dealers therein, and for other purposes," or to enact some other law and at the earliest possible date, whereby the practice of selling farm products by persons who do not own the same, and commonly known as "short selling," shall be so regulated and restricted that the value of articles actually produced by farmers shall not be beaten down, and, in a large measure destroyed, by the imaginary and fictitious product continually being offered for sale by the speculator and gambler in these products.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate

Adopted January 19, 1893.

5

[Senate Joint Resolution No. 25.]

JOINT RESOLUTION

Relative to the death of ex-president Hayes.

WHEREAS, It has pleased Almighty God to remove by death Rutherford B. Hayes, ex-president of the United States of America and ex-governor of Ohio, soldier, statesman and patriot; therefore,

Be it resolved by the General Assembly of the State of Ohio, That in pursuance of and in accordance with the message of the governor, a joint

committee consisting of four members of the senate and five members of the house, be appointed by the president of the senate and speaker of the house to coöperate with state officials in making suitable preparations for attending the funeral and [other] observances and to prepare appropriate resolutions to be reported to this general assembly for its adoption.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted January 24, 1893.

6

[House Joint Resolution No. 50.]

JOINT RESOLUTION

Providing for the printing of the legislative manual.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the senate and clerk of the house of representatives are hereby directed to have printed and bound twelve hundred copies of the "manual of legislative practice in the general assembly of Ohio," for the years 1892—1893, three hundred copies for the use of the senate and nine hundred copies for the use of the house of representatives.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Adopted January 26, 1893.

7

[House Joint Resolution No. 55.]

JOINT RESOLUTION

Relative to the report of a committee appointed to look after certain state property now in possession of a certain railroad.

Be it resolved by the General Assembly of the State of Ohio, That the clerk of the house be directed to deliver a copy of the report of the committee appointed under H. R. No. 21, with the abstract herewith filed, to the attorney-general and the canal commission, and that said commission be and is hereby directed to immediately take such legal steps as are necessary to recover the possession of the bed, banks and all other lands belonging to and part of the Miami and Erie canal located in Cincinnati, Ohio, between the corner of Court and Broadway and the Ohio river and now occupied in part by the Pennsylvania railroad company, that said commission in the prosecution of said claim and the control of said property shall have all the powers conferred upon it by the statutes of Ohio.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted January 31, 1893.

8

[House Joint Resolution No. 57.]

JOINT RESOLUTION

Appointing a committee to revise and codify the fish and game laws.

Be it resolved by the General Assembly of the State of Ohio, That a committee of five on the part of the house and four on the part of the senate be appointed to revise and codify the statutes relating to the protection of fish and game and that they report the bill by February 1st, 1893.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted January 31, 1893.

9

[House Joint Resolution No. 60.]

JOINT RESOLUTION

Admitting Jno. P. Donaldson to the Columbus asylum for the insane.

WHEREAS, Jno. P. Donaldson, a resident of Carroll county, Ohio, and for four years a soldier from Ohio in the late rebellion, is now insane;

WHEREAS, Under the statutes now in force in the state of Ohio, the said Jno. P. Donaldson is ineligible to admission to any insane asylum in this state for the reason that he is not a legal resident of this state; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the Columbus asylum for the insane be and he is hereby authorized and required to receive the said Jno. P. Donaldson as an inmate of said asylum.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Adopted February 2, 1893.

10

[House Joint Resolution No. 51.]

JOINT RESOLUTION

Relative to establishing an electric light plant.

Be it resolved by the General Assembly of the State of Ohio, That a committee consisting of three members of the senate, and five members of the house of representatives, be appointed, whose duty it shall be to investigate and consider the expediency of establishing an electric light plant for the purpose of lighting the state institutions in and about the city of Columbus; said committee is required to report to this general assembly at as early a date as possible, with the probable cost and such

other recommendations as in their judgment will be for the best interest of the state.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted February 9, 1893.

11

[Senate Joint Resolution No. 29.]

JOINT RESOLUTION

Authorizing the printing of additional copies of the report of the attorney-general.

Be it resolved by the General Assembly of the State of Ohio, That in addition to the copies now authorized by law, there be printed three hundred copies of the report of the attorney-general for distribution by him. The expense of printing such additional copies shall be paid out of the appropriation for state printing.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted February 28, 1893.

12

[House Joint Resolution No. 59.]

JOINT RESOLUTION

Authorizing the governor to appoint a commission for purposes therein named.

WHEREAS, The governor of Ohio, in his last annual message, most earnestly asked the consideration of the general assembly to the subject of good roads; and suggested the appointment of a commission to investigate and carefully consider all plans proposed and experiments being made, and to submit a report with recommendations in time for the meeting of the first session of the next general assembly; and

WHEREAS, It is the opinion of many engineers and inventors that electric and other artificial powers may be successfully applied to the country roads, when properly prepared, so as to reduce the cost and time of transportation, both on freight and passengers far below that which can ever be attained by the continued use of horses and other animals; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to appoint a commission, composed of four suitable citizens of the state; two of whom shall be chosen from each of the two political parties which received the largest number of votes in this state at the last general election, whose duty it shall be to thoroughly investigate the whole subject of road construction and the cost of transportation over the various kinds of roads, including those operated by steam power and electric power as well as those operated by horse

power. Said commission shall make report to the governor what the average cost per ton per mile now is by horse power, and what the approximate cost would be if artificial power should be substituted for horse power; and especially whether it is possible and advisable to construct country roads so that both cars and wagons can pass over the same road, propelled by either horse power or artificial power, also the estimated cost of such combination roads as compared with the cost of roads established for horse power only, together with whatever recommendation they have to make as to the road laws of Ohio, or as to the enactment of any new laws by the legislature of the state. The report containing the findings, conclusions and recommendations of such commission shall be transmitted by the governor to the general assembly, together with such comments as he may by message see fit to make thereon, and such additional recommendations as he may desire to make. Said commission shall conclude its investigation and file its report with the governor, as aforesaid, on or before the 21st day of December, 1893.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted February 28, 1893.

13

[Senate Joint Resolution No. 30.]

JOINT RESOLUTION

Concerning the Ohio agricultural experiment station at Wooster.

WHEREAS, In pursuance of an act of the general assembly of the state of Ohio, passed April 23, 1891, the commissioners of Wayne county, Ohio, deposited with the treasurer of state the sum of \$85,000.00, the proceeds of the sale of certain lands [bonds] of said county issued in pursuance of said act; and

WHEREAS, There is a balance remaining of said sum with said treasurer of state, to the amount of \$—— unexpended; and

WHEREAS, The auditor of state has refused to honor the draft of the board of control of said Ohio agricultural experiment station for the amount remaining unexpended, and to issue his warrant upon the treasurer for the same; therefore, be it

Resolved, That the auditor of state is hereby authorized and required to honor the drafts of the board of control of Ohio agricultural experiment station to the amount of the funds remaining unexpended deposited with the treasurer of state by the commissioners of Wayne county and credited to the account of said station, and that he draw his warrant upon the treasurer of state for the same; and the treasurer of state is hereby authorized and requested [required] to pay the same as presented.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted March 1, 1893.

14

[House Joint Resolution No. 71.]

JOINT RESOLUTION

Paying a tribute to the memory of ex-governor Richard M. Bishop.

Be it resolved by the General Assembly of the State of Ohio, That in the death of ex-governor Richard M. Bishop, the state of Ohio has lost one of its most upright and distinguished citizens, one who in his private life exemplified the highest attributes of the Christian citizen, and in his public life gave evidence of high integrity, great moral courage and exalted executive ability. As governor of the state he gave to the people a pure, honest and able administration, and is entitled to their grateful and loving remembrance. We mourn his loss to his adopted city and state, and tender our sympathy to the members of his family.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted March 14, 1893.

15

[Senate Joint Resolution No. 36.]

JOINT RESOLUTION

Authorizing the printing of the health laws.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing is hereby instructed to have printed at once ten thousand copies of the health laws of Ohio to be delivered to the state board of health for distribution to township and village boards of health, and for the information of the public.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted March 14, 1893.

16

[Senate Joint Resolution No. 10.]

JOINT RESOLUTION

Relative to rescinding a certain resolution.

WHEREAS, The general assembly of the state of Ohio, on the 4th day of May, 1885, adopted a certain joint resolution relative to rescinding H. J. R. No. 119, adopted April 20, 1881, and relative to appointment of commissioner of Ohio, to prosecute certain claims against general government; and

WHEREAS, Proceeding under the above named resolution there has been a person appointed to act as commissioner for Ohio, to prosecute said claims, receiving for his services a certain per cent. of all collections made; and

WHEREAS, By recent legislation the office of board of canal commissioners has been created under a fixed salary, who can and should perform all the duties heretofore performed by said commissioner for Ohio, without additional cost to the state; therefore, be it

Resolved by the General Assembly of the State of Ohio, That said joint resolution passed May 4, 1885, relative to "rescinding H. J. R. No. 119, adopted April 20, 1881, and relative to appointment of commissioner of Ohio, to prosecute certain claims against general government" be rescinded and that said office of "commissioner of Ohio to prosecute certain claims against general government" is hereby abrogated. And it shall be the duty of the canal commissioners of the state of Ohio to perform all the former duties of said commissioner without extra pay, and in the annual report of said canal commissioners they shall make a full and complete report of their proceedings under this resolution, and the money so collected from this source by the said commissioners shall be paid into the state treasury to the credit of the general revenue fund.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Adopted March 17, 1893.

17

[Senate Joint Resolution No. 31.]

JOINT RESOLUTION

Relating to the transfer of John Schlager from the infirmary of Butler county, Ohio, to the asylum for the insane at Columbus, Ohio.

WHEREAS, One John Schlager has become insane, and his insanity has assumed a form that renders it unsafe for him to be at large; and

WHEREAS, He was in such condition on the 9th day of June, 1891, when he was admitted by the infirmary board of Butler county as an inmate of the infirmary of Butler county, Ohio; and

WHEREAS, He is a non-resident of the state of Ohio, and by diligent inquiry his place of residence can not be ascertained, and his relatives and acquaintances, if any, are wholly unknown; and

WHEREAS, He is confined in the county infirmary of Butler county, Ohio, where proper care and attention suitable to his case can not be given; and

WHEREAS, Said John Schlager was by the probate court of Butler county, Ohio, on June 23d, 1891, adjudged insane; and

WHEREAS, His case is supposed to be curable; and

WHEREAS, He should be confined in an asylum for treatment; and

WHEREAS, Under the statutes now in force, said John Schlager is not eligible to admission to any insane asylum of this state, for the reason that he is not a legal resident thereof; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the superintendent of the asylum for the insane at Columbus, Ohio, be and is hereby authorized and required to receive the said John Schlager into

said institution for treatment, and that he be kept there until discharged according to law.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Adopted March 17, 1893.

18

[House Joint Resolution No. 67.]

JOINT RESOLUTION

Authorizing the printing of certain tables named therein.

Be it resolved by the General Assembly of the State of Ohio, That 5,000 copies, in pamphlet form, of the accompanying tables be printed forthwith under the direction of the secretary of state; the tables being:

Table I. Digest of the important features of the tax laws of the several American states, relating to the levy of taxation.

Table II. Digest of the important features of the tax laws of the several American states, relating to the assessment of property for taxation.

Table III. Digest of the important features of the tax laws of the several American states, relating to the assessment of property for taxation.

Resolved, That each member of the house and each senator be entitled to twenty copies of these pamphlets, and that the remaining portion be at the disposal of the secretary of state for distribution in any proper manner he may see fit to employ.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Adopted March 17, 1893.

19

[Senate Joint Resolution No. 28.]

JOINT RESOLUTION

Providing for the printing and distribution of the address on taxation by Hon. Thomas A. McDougall.

Be it resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be and is hereby authorized to prepare [and publish] for the use of the members of this general assembly, five thousand copies (5,000) in pamphlet form of the address on taxation recently delivered by the Hon. Thomas A. McDougall to the members of the general assembly in the senate chamber.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted March 22, 1893.

20

[House Joint Resolution No. 61.]

JOINT RESOLUTION

Relative to the centennial of the conquest of the Indian nations.

WHEREAS, The year 1895 marks the centennial epoch of the conquest of the Indian nations and the establishment of peace in the territory now comprised in the state of Ohio and adjacent country northwest of the Ohio river; and

WHEREAS, Said conquest was made by the army under command of Gen. Anthony Wayne, a gallant and meritorious soldier in the war of the revolution and the Indian wars, the battle of Fallen Timbers on the Maumee river, August 20th, 1794, completing the chain of victories, and subduing the Indian tribes; and

WHEREAS, The treaty of peace, made on the 3d day of August, 1795, at Fort Greenville (built on the site of Greenville, Ohio), by Gen. Wayne, on behalf of the United States, and various Indian nations, occupying the territory, northwest of the Ohio river, was of national importance and established peace and permitted the extension of American settlements therein; therefore,

Be it resolved by the General Assembly of the State of Ohio, That steps be taken to properly observe the one hundredth anniversary of this important event in the history of our western country;

That the United States government should erect a suitable memorial structure on the site of Fort Greenville, to perpetuate the memory of General Anthony Wayne and his gallant army, and that our senators and representatives in congress be requested, through the governor, to secure such a memorial;

That to accomplish the intent of this resolution, the Ohio archaeological and historical society is hereby authorized and directed to take the necessary steps to secure a suitable centennial celebration at Greenville, Ohio, on August 3d, 1895, and to obtain, if possible, through congress, such a memorial as will fittingly and appropriately perpetuate the centennial of this important event and those conspicuous in its history;

That the governor of Ohio be authorized to invite, on behalf of this state, the states of Pennsylvania, Virginia and Kentucky, which states furnished most of the soldiers in the campaign of 1794, and to send representatives to participate in such celebration. And also the states of Indiana, Illinois, Michigan, Wisconsin and Minnesota, which states, with Ohio, comprised the territory northwest of the Ohio river, to send representatives to this centennial, and to invite said states to prepare such tablets or other mementos for such memorial structure as they may desire.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate

Adopted March 22, 1893.

[Senate Joint Resolution No. 37.]

JOINT RESOLUTION

Authorizing the printing of a new edition of the school laws of Ohio.

Be it resolved by the General Assembly of the State of Ohio, That the state commissioner of common schools is hereby authorized and directed to have printed and bound in cloth, fifty thousand copies of the school laws of Ohio, in force at the close of this general assembly, with necessary notes and references for the instruction of school officers.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted March 22, 1893.

22

[House Joint Resolution No. 28.]

JOINT RESOLUTION

Relating to the crossing by the Valley railway company of certain canal lands and canal basins belonging to the state of Ohio at Akron.

WHEREAS, On or about November 10, 1886, the Valley railway company submitted to the board of public works of the state of Ohio, plans for the construction of a branch line of its railway over certain wide-water of the Ohio canal in the city of Akron, Summit county, immediately west of Ash street in said city, and over certain land and canal property belonging to the state of Ohio, located in said city of Akron, and east and south of said Ash street, and for the occupation of said property of the Ohio canal for the period of ten years from March 6, 1884; and

WHEREAS, On or about December 15, 1886, the board of public works, by resolution, approved of the said plans, subject to the action of the general assembly of the state of Ohio, and assumed to authorize such railway company to proceed with the work of so constructing and operating its railway upon the giving of a bond to abide the action of the general assembly in the premises; and

WHEREAS, The Valley railway company on or about the said 15th day of December, 1886, entered into a written obligation to the state of Ohio in the sum of \$50,000, conditioned in part that the said railway company should pay, according to the direction of the general assembly, such rental as the general assembly might direct, or upon declining so to do should abandon the said canal property so occupied; and

WHEREAS, Immediately after the said 15th day of December, 1886, the said Valley railway company, under the supposed authority of the action of the board of public works aforesaid, but without lawful authority and previous to any action by the general assembly upon the matter, did enter upon said wide-water and other property of the Ohio canal belonging to the state of Ohio, at and near two points indicated, and did construct over and upon the same its said branch line of railway, and has ever since continued and still continues to occupy and use the same; and

WHEREAS, An action has been prosecuted in the court of common pleas of Summit county, Ohio, by the state of Ohio against the Valley railway company, to recover possession of the lands thus illegally occu-

pied by such railway company, which action is now pending; now, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the rental value of the canal property of the state so occupied by the Valley railway company, be and the same hereby is fixed at the sum of \$600.00 per annum from the said 15th day of December, 1886, up to and including the 15th day of April, 1893, which amount is hereby declared due and payable the state for such use and occupancy; and the board of public works is hereby authorized to accept such amount in full compensation for the use and occupancy of said property by such railway company for the time named. Upon the payment of such amount, for rental due as aforesaid, the canal commission, board of public works and its chief engineer, or in case there be no canal commission, the board of public works is authorized, by a written lease, to permit the said Valley railway company to occupy and use the said canal property as the same is now occupied and used by such company, for a period not exceeding fifteen years, the said railway company to pay therefor an annual [rental] of \$600.00, to be paid semi annually in advance, at such time and at such place as said commission, board of public works and its chief engineer may fix by the terms of said lease. The said lease shall be prepared by the attorney-general, and shall contain a condition, that if any instalment of rent therein agreed to be paid, shall not be paid within the time specified or within ten days thereafter, whether a demand therefor shall or shall not be made, said lease shall, at the option of the board of public works, become and be null and void, as against the state of Ohio; and that the said railway company so in default, its successors or assigns, or any party in possession of such property of the state, shall yield up possession thereof to the board of public works, or its authorized agent. Said lease shall contain a further condition, that upon the expiration of the term thereof, the said railway company, its successors or assigns, shall yield up the possession of such canal property to the board of public works or its authorized agent. Upon the payment of such amount for rental as aforesaid, and the making of the lease provided for above, the attorney-general is directed to dismiss the suit now pending in the court of common pleas of Summit county, to recover possession of such land belonging to the state. Upon the failure, neglect or refusal of the said Valley railway company to pay said rental and enter into such lease by the 1st day of May, 1893, the attorney-general is authorized and directed to proceed with the said action, or to bring such other action or actions as he may deem advisable, to recover the possession of such property of the state, and to eject the said railway company therefrom, and to collect the amount due the state for the use and occupancy of the property as fixed above; and the attorney-general is further authorized, upon the request of the board of public works, to take the necessary legal proceedings to enforce the terms and conditions of the lease provided for herein if made; provided, however, that the right is reserved to the state through its general assembly to regulate the use of said canal property by said railway company, and to cancel any lease that may be made, and retake the property of the state as and when the general assembly may deem it advisable to do so.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted April 5, 1893
23

[House Joint Resolution No. 69.]

JOINT RESOLUTION

Authorizing the governor to appoint a committee for purposes mentioned within.

WHEREAS, Because of the increase of population and wealth of the state, there has been great increase in the business necessary to be transacted in the state-house; and

WHEREAS, The present state-house, having been built with reference to the needs of the public business at the time of its erection, is now insufficient to accommodate the business of the present day, especially in regard to accommodations for the judiciary department; and

WHEREAS, Any changes which might be made to give additional room to that department in the present state-house would be necessarily temporary and at best inadequate; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor is hereby authorized to appoint a committee of five judicious citizens, whose duty it shall be to investigate the feasibility of adding another story to the state-house, and if such addition is not practicable, to select a proper site for a building adapted to the uses of the judiciary department, either upon state grounds in the city of Columbus, or such other place in said city as to them may seem proper, and report the cost of same, together with plans and estimates for such building, to the 71st general assembly for its action thereon.

And be it further resolved, That there be provided in the general appropriation bill an appropriation not to exceed five hundred dollars for the purpose of carrying into effect the purposes of this resolution. Such committee is given authority to employ an architect to assist in the work. Provided that such committee shall serve without compensation except as to necessary personal expenses.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ELBERT L. LAMPSON,

President pro tem. of the Senate.

Adopted April 21, 1893.

24

[House Joint Resolution No. 32.]

JOINT RESOLUTION

Proposing an amendment to the constitution of the state of Ohio, as to legislative apportionment.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio, That a proposition shall be submitted to the electors of this state on the first Tuesday after the first Monday in November, 1893, to amend sections 1 to 11, inclusive, of article XI, of the constitution of the state of Ohio, so they shall read as follows:*

ARTICLE XI.

Sec. 1. The apportionment for members of the general assembly shall be made every ten years, prior to the first election for members of the general assembly in each decennial period, in the manner herein provided.

Sec. 2. During the month of February, prior to the first election for members of the general assembly after the passage of this act and in each decennial period, the members of the senate and house of representatives representing the two leading political parties, respectively, shall meet in separate bodies, and each of said bodies shall designate two electors who shall forthwith be appointed by the governor; and said four electors so designated and appointed shall constitute a commission who shall ascertain and determine the ratio of representation for members of the house of representatives and senators, the number of representatives to which each county is entitled and the boundaries of each senatorial district. Should any vacancy occur in said commission the senators of the party making the original designation shall, within ten days thereafter, designate an elector to fill such vacancy, and he shall forthwith be appointed by the governor.

Sec. 3. The population of the state, as ascertained by the preceding federal census, or in such other manner as the general assembly shall direct, shall be divided by the number "one hundred" and the quotient shall be the ratio of representation in the house of representatives for the ten years succeeding such apportionment.

Sec. 4. Each county shall be entitled to at least one representative; each county containing such ratio, and three-fourths over, shall be entitled to two representatives; each county containing three times such ratio shall be entitled to three representatives, and so on.

Sec. 5. Each county entitled to more than one representative shall be divided by such commission into as many districts as there are representatives apportioned to such county; and one representative shall be chosen from each district.

Sec. 6. Each representative district, in counties entitled to more than one representative, shall be composed of compact territory, bounded by election precinct lines, and as nearly equal in population as practicable; and each of such districts shall be numbered.

Sec. 7. The ratio for a senator shall be ascertained by dividing the population of the state by the number "thirty-five."

Sec. 8. The state shall be divided into senatorial districts, as herein provided, and each district shall choose one senator.

Sec. 9. Each senatorial district shall be composed of compact territory, as nearly equal in population as practicable, and except as to districts in counties entitled to two or more senators, shall be bounded by county lines.

Sec. 10. Each county having a population equal to three-fourths of one senatorial ratio shall constitute a senatorial district. Each county having a population equal to one senatorial ratio, and one-half over, shall be divided into two senatorial districts. Each county having a population equal to two and one-half ratios shall be divided into three senatorial districts, and so on; but no election precinct shall be divided in the formation of a senatorial district.

Sec. 11. The apportionment so made for members of the general assembly shall be reported to the governor, by such commission, within two months after their appointment, and the same shall be published in such manner as shall be provided by law.

SECTION 2. At such election, those electors desiring to vote for such amendment may have placed upon their ballots the words "Rep-

resentation by single districts—Yes;" and those opposed to such amendment may have placed upon their ballots the words "Representation by single districts—No."

SECTION 3. This amendment shall take effect on the fifteenth day of December, 1893; and any provision of the constitution in conflict therewith is repealed.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted April 22, 1893.

25

[House Joint Resolution No. 44.]

JOINT RESOLUTION.

Proposed amendment to the constitution of Ohio.

SECTION 1. *Be it resolved by the General Assembly of the State of Ohio,* That a proposition shall be submitted to the electors of this state, on the first Tuesday after the first Monday of November, 1893, to amend section 2, article XII, of the constitution of the state of Ohio, so that it shall read as follows:

ARTICLE XII.

Sec. 2. Laws may be passed which shall tax by a uniform rule all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and all real and personal property according to the true value thereof in money. In addition thereto, laws may be passed taxing rights, privileges, franchises, and such other subject matters as the general assembly may direct; but burying-grounds, public school-houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and other property, may, by general laws, be exempted from taxation; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.

SECTION 2. At such election, those electors desiring to vote for such amendment may have placed upon their ballots the words, "Amendment taxing franchises and privileges—Yes," and those opposed to such amendment may have placed upon their ballots the words, "Amendment taxing franchises and privileges—No."

SECTION 3. This amendment shall take effect on the first day of January, 1894.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted April 22, 1893.

26

[House Joint Resolution No. 53.]

JOINT RESOLUTION

Appointing a committee to investigate the subject of taxation.

WHEREAS, The present tax laws of the state of Ohio need revision, and there is a necessity for the state to provide for greater revenues; and

WHEREAS, Some classes of property in the state are bearing an unequal and unjust proportion of the burdens of taxation, while other classes partially or wholly escape taxation under the present taxing system of the state; and

WHEREAS, There is a manifest need and an earnest demand for some comprehensive legislation upon said subject; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor of the state of Ohio be and he is hereby authorized to appoint a commission, composed of four suitable citizens of the state; two of whom shall be chosen from each of the two political parties which received the largest number of votes in this state at the last general election.

It shall be the duty of said commission to thoroughly investigate the whole subject of taxation in the state, and the powers of the legislature thereon under the constitution, and to compare the present system of such taxation with the system and the laws of other states, and after a full investigation of the subject said commission shall make report to the governor of the state of the findings of said commission, together with whatever recommendations they have to make as to the revision of the tax laws of Ohio, or as to the enactment of new laws by the legislature of the state, so as to cure mistakes in the present system, relieve such classes of property to a reasonable extent that is now being excessively taxed, tax other properties now escaping their share of taxation, as may, by such commission be considered just and reasonable, and to more effectually equalize taxation in the state.

The report containing the findings, conclusions and recommendations of such commission shall be transmitted by the governor of the state to the general assembly of the state, together with such comments as he may by message see fit to make thereon, and such additional recommendations as he may desire to make thereto.

Said tax revision commission is authorized to select one of their members chairman, and to employ a clerk who shall be a stenographer.

The compensation of said commission and of the clerk, together with the expenses of said commission, shall be provided for in the general appropriation bill upon the adoption of this resolution by the senate and house of representatives.

Said commissioners shall meet on the 1st day of June, 1893, in the city of Columbus, for the purpose of organization, and thereafter proceed to the performance of their duties.

Said commission is authorized to require the attendance of persons, and the production of books, reports and papers on making their investigation, and all persons who may be notified to appear before such commission to testify, and to bring such books, reports or papers, shall do so, or failing or refusing to do so, shall be punished by said commission in the same manner as is provided for in courts of justice in this state; and any person called before said commission to testify, and who testifies falsely, shall be guilty of perjury, and punished for such offense as provided by the laws of this

Said commission shall conclude its investigation and file its report with the governor, as aforesaid, on or before the 1st day of December, 1893.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Adopted April 24, 1893.

27

[House Joint Resolution No. 68.]

JOINT RESOLUTION

Relative to adjourning the 70th general assembly on the 27th day of April.

Resolved by the General Assembly of the State of Ohio, That the 70th general assembly shall adjourn, sine die, on Thursday, the 27th day of April, 1893, at 12 o'clock, m.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Adopted April 24, 1893.

28

[House Joint Resolution No. 87.]

JOINT RESOLUTION

Authorizing the adjutant-general to loan a field-piece and wall-tents.

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general be and the same is hereby authorized to loan to the 118 regiment O. V. I., to be used at the reunion of said regiment at Fort Recovery, Ohio, this fall, one field-piece and ten (10) wall-tents.

ELVERTON J. CLAPP,
Speaker pro tem. of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted April 25, 1893.

29

[Senate Joint Resolution No. 26.]

JOINT RESOLUTION

Providing for the appraising and leasing certain lands.

WHEREAS, The state of Ohio is the owner of the following described lands, to wit: Being situated in the township of Franklin, county of Franklin and state of Ohio, and beginning at the Nelson Foos double lime-kiln on the south bank of the Scioto river; thence south 60° ea passing an iron stake on river bank and running 35 chains to an ir

stake, from which stake a white oak, 24 inches in diameter bears north $82\frac{1}{2}^{\circ}$ east 58 links distant; also a sugar tree 22 inches in diameter bears north $28\frac{1}{2}^{\circ}$ east 32 links distant to their centers; thence south 82° east 10.75 chains to an iron stake, from which stake the southeast corner of gas and coal house bears north 64° west 118 $\frac{1}{2}$ links distant; thence north 60° east, 10.26 chains to an iron stake; thence north 21° west passing an iron stake in the south property line of the Little Miami railroad and a square cut stone with a hole in it as the north property line of said railroad, and also passing an iron stake at both the north and south property lines of the C. S. & C. R. R., and running 28.47 chains to an iron stake on the Scioto river, and near to and in line with a cut limestone with a hole in it 1.15 chains before reaching low-water mark; thence up said river north 61° west, 2.82 north $68\frac{1}{2}^{\circ}$ west, 6.80 north $75\frac{1}{2}^{\circ}$ west 4.25 chains to the beginning, containing 54.20 acres of lands, and being a part of survey No. 2668 of the Virginia military district, and in Franklin township, Franklin county, Ohio. Now, therefore,

Be it resolved by the General Assembly of the State of Ohio, That the authority heretofore granted to the adjutant-general of Ohio to lease said lands be and the same is hereby revoked, and the canal commission is authorized, empowered and directed to take charge of said lands, to cause the same to be appraised at their true value in money by three disinterested freeholders, and to lease the same for a period not to exceed five years, for agricultural, quarry or other purposes, and said commission is hereby empowered to execute such lease of the whole or any part of said lands as in its discretion or judgment may be for the best interest of the state. But such lease shall be subject to the right of the state to enter upon said land to quarry stone and prepare the same for public use, and remove the same from said land. Said leases may be made for a gross sum. All money collected from the rental of said lands shall be paid into the treasury of the state, placed to the credit of the general revenue fund thereof, and a report of the amount collected in any one year shall be published in the annual report of said canal commission. And that on the payment into the state treasury by the Toledo & Ohio Central railway company of such sum of money as may be agreed upon by and between the canal commissioners of Ohio and the officers of said railway company (and in case of failure to agree by said commissioners and said officers, then said sum of money to be fixed by three disinterested arbitrators, one to be chosen by said canal commissioners, one by the said railway company, and the third to be appointed by the governor, the award of any two of said arbitrators to be final upon said railway company), the governor be and is hereby authorized and required by proper deed to grant to said railway company and its assigns, a right of way for said railway, through and over the tract of land hereinbefore described. Said right of way to be fifty feet in width and about nine hundred and six feet in length, running along the top of the southwest bank of the Scioto river and to be defined by metes and bounds as ascertained by a survey and description to be made by the canal commissioners; the boundary line of the strip of right of way on the side next to the river shall be defined by courses and distances so that a strip not in excess of ten feet in width from low-water mark, shall be reserved to and owned by the state. The strip next the Scioto river may be conveyed or surrendered by the grant of the right of way aforesaid, and the state reserves to itself the right, at such time as the canal commission may determine, to cross

the track and grounds of the said railway company free of charge, for the purpose of constructing any other railroad or switch thereto. And that on the payment into the state treasury by the Columbus, Lima and Milwaukee railway company of such sum of money as may be agreed upon by and between the canal commissioners of Ohio and the officers of said railway company (and in case of failure to agree on such sum by said commissioners and said officers, then the sum to be finally fixed by the written award of at least two or three disinterested arbitrators, one to be appointed by said commissioners, one by the said railway company and the third to be appointed by the governor), the governor be, and is hereby authorized and required by proper deed to grant to said railway company and its assigns, a right of way for said railroad through and over the tract of land hereinbefore described. Said right of way to be fifty feet in width as it enters said tract on the westerly side thereof and one hundred feet in width as it leaves said tract on the easterly side thereof and to be about nine hundred feet in length, more or less, running along the top of the southwest bank of the Scioto river and lying just south of the right of way previously described and authorized to be granted to the Toledo and Ohio Central railway company. Said right of way to be defined by metes and bounds as ascertained by survey and description to be made by the canal commissioners of Ohio, and the state shall reserve to itself the right at such point as the canal commissioners may determine, to cross the tracks and grounds of said railroad company, free of charge, for the purpose of constructing any other railroad or switch thereto. And that said commission grant to said Toledo and Ohio Central railway company, upon the same terms and conditions hereinbefore mentioned a right of way across the tract of land belonging to the state and known as the pumping station tract for the central asylum, subject to the written consent of the trustees of said asylum, which right of way shall be fifty feet wide and shall be defined by a survey and description to be made by the canal commissioners; excepting, however, as much of the land as is occupied by a well on said lands which said well the said Toledo and Ohio Central railway company, must protect by a suitable wall for the same; the boundary line of the right of way on the side next the Scioto river shall be defined by courses and distances, so that a strip shall be reserved to and owned by the state next the Scioto river in order that no riparian rights of the state in the Scioto river may be conveyed or surrendered by the grant of right of way aforesaid. The deed shall define the rights of way aforementioned by metes and bounds, and courses, and distances, and shall reserve all riparian rights in the Scioto river to the state, and the state reserves to itself the right of way at such points as the trustees of the central asylum for the insane may determine, to cross the tracks and grounds of either or both of the said railroad companies free of charge, for the purpose of constructing any other railroad or switch thereto. Provided, however, that the state shall have the right, free of charge, to lay and maintain water-pipes across either or both of said rights of way above described.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted April 25, 1893.

[Senate Joint Resolution No. 45.]

JOINT RESOLUTION

Directing the printing of the report of the bureau of building and loan associations.

Be it resolved by the General Assembly of Ohio, That the supervisor of public printing be and is hereby directed to cause to be printed and bound in cloth the annual report of the bureau of building and loan associations, as follows:

For the inspector, 3,000 copies, one thousand of which shall be in the German language; for each member of the general assembly, fifteen copies.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate

Adopted April 25, 1893.

31

[Senate Joint Resolution No. 49.]

JOINT RESOLUTION

Relative to the appointment of a committee to act with the adjutant-general in letting contracts and superintending work herein named.

WHEREAS, There has been appropriated the sum of ten thousand dollars for the completion of new walks and the repair of walks in state-house grounds; therefore,

Be it resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate and two on the part of the house be appointed to act with the adjutant-general in adopting plans and specifications, selecting material, letting contracts, and superintending the construction of said walks; the said contracts to be let to the lowest and best bidder. The said committee in the discharge of its duties, shall have such authority as is usually granted to legislative committees and shall serve without compensation, but shall be paid actual and reasonable expenses, upon the filing of an itemized account, properly certified, with the auditor of state.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ELBERT L. LAMPSON,
President pro tem. of the Senate.

Adopted April 25, 1893.

32

[Senate Joint Resolution No. 50.]

JOINT RESOLUTION

Directing the appointment of a committee to wait upon the governor, informing him that the general assembly will adjourn April 27, 1893.

Resolved by the General Assembly of the State of Ohio, That a committee of three on the part of the senate and three on the part of the

house be appointed to wait on the governor forthwith and notify him that the 70th general assembly will adjourn, sine die, Thursday, April 27, at 12 o'clock, noon, of same day, and inquire of his excellency whether or not he desires to make any further communication to either branch of this general assembly.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted April 27, 1893.

33

[Senate Joint Resolution No. 51.]

JOINT RESOLUTION

Relative to codifying and printing railroad laws of Ohio.

Be it resolved by the General Assembly of the State of Ohio, That the commissioner of railroads and telegraphs be and is hereby directed to have codified and printed five hundred (500) copies of the laws relative to railroad and telegraph companies in this state, and that there be distributed to each member of the general assembly two copies of same, said copies to be bound in cloth.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted April 27, 1893.

34

[House Joint Resolution No. 82.]

JOINT RESOLUTION

Relative to the purchase of the engine known as the "General."

WHEREAS, There is a growing interest in our state and nation in the preservation of the relics and historic collections of the late war; and

WHEREAS, Ohio was the leading state in its gift of able generals and fearless soldiers in defending our flag and country from 1861 to 1865, among the most daring exploits known to modern warfare being that of the Andrews raiders, in capturing a railroad train from the enemy near Big Shanty in the state of Georgia, drawn by the engine known as the "General," the entire party of which were Ohio men from the 2d, 21st and 33d Ohio regiments; and

WHEREAS, That engine known as the "General" is of such historic interest, not only in Ohio but the nation as well; and

WHEREAS, It has like all railroad engines of its time been superseded by those of improved patterns and usefulness and will soon be sold for the price of old iron; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general be and is hereby directed to ascertain and report to the 71st general assembly of Ohio, by the 15th of January, 1894, what price

if any would be charged by the owners of said engine, known as the "General," with a view of having it purchased and owned by the state of Ohio, to be preserved and kept by the state as one of the sacred relics of the late war.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted April 27, 1893.

35

[House Joint Resolution No. 89.]

JOINT RESOLUTION

Authorizing the governor to receive the portrait of Hon. Geo. E. Pugh.

Be it resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to receive for the state as a donation from the artist, Thorp's portrait of Hon. Geo. E. Pugh, and that the same be preserved in the library of the state. The same to be however first subject to the approval of the governor, secretary of state and the state librarian, as a work of art.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted April 27, 1893.

86

[House Joint Resolution No. 84.]

JOINT RESOLUTION

Authorizing the secretary of state to furnish the state board of arbitration with books, blanks, etc.

Be it resolved by the General Assembly of the State of Ohio, That the secretary of state is hereby authorized to furnish the necessary books, blanks and stationery for the use of the state board of arbitration and conciliation, and the supervisor of public printing is hereby instructed to have the same printed.

LEWIS C. LAYLIN,
Speaker of the House of Representatives.
ANDREW L. HARRIS,
President of the Senate.

Adopted April 27, 1883.

37

[Senate Joint Resolution No. 52.]

JOINT RESOLUTION

Relating to the construction of a state electric light plant.

Be it resolved by the General Assembly of the State of Ohio, That the governor, within ten days after the adoption of this resolution, shall appoint a commission, composed of five citizens of the state, one of whom shall be a member of the board of trustees of the institution for the blind, and one of whom shall be a member of the board of trustees for the deaf and dumb, whose duty it shall be to select a location and erect thereon an electric light plant on grounds belonging to either the institution of the blind or the institution for the deaf and dumb. Said commission shall have charge of the erection of said electric light plant, and are required to meet within twenty days after their appointment to arrange for and commence carrying into effect the provisions of this resolution. They shall have power to contract for and erect an electric light plant at a cost not to exceed thirty-three thousand dollars (\$33,000), which shall include wiring the said buildings, and everything necessary for a complete plant. In the contracting and building of an electric plant, the commission shall be governed by the provisions of law now in force relating to the erection of public buildings, but no contract shall be concluded until the money for the payment of the same shall have been secured. The commission shall be allowed only their necessary expenses to be paid out of any appropriation made for the erection of said electric light plant. But said commission may, if in their judgment it seems best, and after said buildings have been wired, contract with a private company for furnishing electric light until such time as the general assembly shall provide otherwise.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted April 27, 1893.

38

[Senate Joint Resolution No. 53.]

JOINT RESOLUTION

Authorizing the loaning of arms for certain purposes.

Be it resolved by the General Assembly of the State of Ohio, That the adjutant-general of Ohio be and he hereby is directed to loan to Canton post, G. A. R., No. 25, four hundred muskets for use in a sham battle conducted under the direction of said post on the 4th day of July, 1893. Said G. A. R. post to furnish such security for the care and return of the same as the adjutant-general may require. Said arms to be loaned for such length of time only as may be required to have them at Canton on the 3d day of July, 1893, and returned not later than the 6th day of July, 1893.

LEWIS C. LAYLIN,

Speaker of the House of Representatives.

ANDREW L. HARRIS,

President of the Senate.

Adopted April 27, 1893.

39

STATE OF OHIO,
OFFICE OF THE SECRETARY OF STATE.

I, SAMUEL M. TAYLOR, Secretary of State of the State of Ohio, do hereby certify that the foregoing acts and joint resolutions were printed under and by the authority of the General Assembly of said State, and that the same are true copies, copied from the original rolls on file in this office, of the general acts passed and the joint resolutions adopted by the Seventieth General Assembly of the State of Ohio, at its adjourned session, begun January 3, 1893, and ended April 27, 1893, and held in the city of Columbus.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and affixed my official seal, at Columbus, the 21st day of June, A. D. 1893.

SAMUEL M. TAYLOR,
Secretary of State.

[SEAL]

**TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON
PLEAS IN OHIO IN 1893.**

Counties.	County Seats.	Circuits.	Circuit Courts.	Districts.	Subdivisions.	Common Pleas Courts.
Adams	West Union	4	Apr. 4, Nov. 16..	5	1	Jan. 3, Apr. 11, Oct. 3.
Allen	Lima	3	Apr. 4, Nov. 20..	3	1	Feb. 13, May 15, Nov. 7.
Ashland	Ashland	5	Apr. 25, Nov. 21..	6	2	Mar. 6, Sept. 4, Dec. 4.
Ashtabula	Jefferson	7	Feb. 28, Oct. 17..	9	3	Jan. 9, Mar. 13, Oct. 23.
Athens	Athens	4	Jan. 24, Oct. 2....	7	3	Feb. 6, May 1, Oct. 11.
Auglaize	Wapakoneta	3	Apr. 17, Nov. 9....	3	1	Jan. 2, Apr. 10, Sept. 11.
Belmont	St. Clairsville	7	May 31, Dec. 12..	8	2	Feb. 7, May 9, Oct. 10.
Brown	Georgetown	4	Apr. 11, Nov. 21..	5	1	Jan. 24, Apr. 18, Oct. 17.
Butler	Hamilton	1	Apr. 10, Oct. 9....	2	1	Jan. 2, Apr. 17, Sept. 11.
Carroll	Carrollton	7	Jan. 31, Sept. 27..	9	1	Feb. 13, May 15, Nov. 13.
Champaign	Urbana	2	May 1, Oct. 23....	2	2	Jan. 2, May 1, Oct. 9.
Clark	Springfield	2	June 5, Nov. 20..	2	3	Jan. 9, May 8, Oct. 9.
Clermont	Batavia	1	Apr. 4, Oct. 2....	5	1	Jan. 17, May 2, Oct. 10.
Clinton	Wilmington	1	May 1, Oct. 30....	2	3	Jan. 2, May 8, Oct. 2.
Columbiana	New Lisbon	7	Jan. 17, Sept. 21..	9	1	Feb. 6, May 1, Oct. 2.
Coshocton	Coshocton	5	May 9, Nov. 16....	6	3	Jan. 2, Apr. 3, Sept. 11.
Crawford	Bucyrus	3	Jan. 31, Sept. 28..	10	2	Jan. 2, Apr. 4, Sept. 11.
Cuyahoga	Cleveland	8	Jan. 10, Oct. 17..	4	3	Jan. 3, Apr. 4, Sept. 25.
Darke	Greenville	2	May 8, Oct. 30....	2	1	Jan. 9, May 15, Oct. 9.
Defiance	Defiance	3	Mar. 7, Oct. 19....	3	2	Jan. 30, May 1, Oct. 2.
Delaware	Delaware	5	June 6, Dec. 19....	6	1	Jan. 2, Apr. 3, Sept. 25.
Erie	Sandusky	6	June 5, Nov. 13..	4	1	Jan. 3, Apr. 4, Sept. 11.
Fairfield	Lancaster	5	Jan. 10, Sept. 23..	7	1	Jan. 24, Apr. 10, Oct. 23.
Fayette	Washington C. H. ..	2	May 22, Nov. 13..	5	2	Jan. 9, Apr. 4, Sept. 18.
Franklin	Columbus	2	Jan. 3, Sept. 11..	5	3	Jan. 9, Apr. 10, Sept. 18.
Fulton	Wauseon	6	June 19, Nov. 27..	3	3	Mar. 13, June 5, Oct. 9.
Gallia	Gallipolis	4	Feb. 28, Oct. 24..	7	3	Jan. 10, Apr. 4, Sept. 12.
Geauga	Chardon	7	Feb. 21, Oct. 3....	9	3	Jan. 9, Mar. 13, Oct. 23.
Greene	Xenia	2	Apr. 10, Oct. 5....	2	3	Jan. 9, May 8, Oct. 9.
Guernsey	Cambridge	7	May 25, Dec. 7....	8	1	Feb. 7, Apr. 25, Oct. 10.
Hamilton	Cincinnati	1	Jan. 3, Nov. 8....	1	-	Jan. 2, Apr. 3, July 3, Oct. 2.
Hancock	Findlay	3	May 23, Dec. 5....	10	1	Jan. 2, Mar. 20, Oct. 2.
Hardin	Kenton	3	Mar. 21, Oct. 12..	10	1	Feb. 20, June 5, Sept. 4.
Harrison	Cadiz	7	May 18, Nov. 28..	8	3	Jan. 3, Apr. 4, Sept. 5.
Henry	Napoleon	3	Feb. 28, Oct. 17..	3	3	Jan. 2, Apr. 4, Sept. 11.
Highland	Hillsborough	4	Apr. 25, Nov. 28..	5	2	Feb. 20, May 15, Nov. 13.
Hocking	Logan	4	Feb. 7, Oct. 9....	7	1	Jan. 9, Apr. 10, Sept. 11.
Holmes	Millersburg	5	May 2, Nov. 28....	6	3	Feb. 13, May 14, Oct. 16.
Huron	Norwalk	6	May 22, Oct. 30..	4	1	Feb. 13, May 15, Oct. 30.
Jackson	Jackson	4	June 6, Dec. 21..	7	2	Feb. 27, May 15, Nov. 13.
Jefferson	Steubenville	7	May 9, Nov. 21..	8	3	Jan. 31, May 2, Oct. 3.
Knox	Mt. Vernon	5	Mar. 14, Oct. 24..	6	1	Feb. 6, May 15, Nov. 6.
Lake	Painesville	7	Feb. 7, Oct. 5....	9	3	Feb. 13, May 1, Nov. 20.
Lawrence	Ironton	4	Mar. 7, Oct. 31....	7	2	Feb. 20, May 22, Nov. 13.
Licking	Newark	5	Mar. 21, Oct. 31..	6	1	Jan. 2, Apr. 3, Sept. 18.
Logan	Bellefontaine	3	Feb. 14, Oct. 5....	10	3	Feb. 13, May 8, Oct. 16.
Lorain	Elyria	8	Apr. 25, Oct. 10..	4	2	Feb. 6, May 8, Oct. 30.
Lucas	Toledo	6	Jan. 3, Sept. 11..	4	1	Jan. 3, Apr. 4, Sept. 25.
Madison	London	2	Apr. 4, Oct. 2....	5	3	Feb. 13, May 15, Nov. 1.
Mahoning	Youngstown	7	Mar. 14, Oct. 24..	9	2	Jan. 9, May 1, Sept. 25.
Marion	Marion	3	Jan. 24, Oct. 3....	10	2	Feb. 20, May 15, Oct. 23.
Medina	Medina	8	May 1, Oct. 16....	4	2	Jan. 9, Apr. 4, Sept. 11.
Meigs	Pomeroy	4	Feb. 21, Oct. 17..	7	3	Jan. 3, Apr. 4, Sept. 12.
Mercer	Celina	3	Apr. 25, Nov. 13..	3	1	Feb. 6, May 8, Oct. 9.

TIMES FOR HOLDING THE CIRCUIT COURTS AND COURTS OF COMMON PLEAS, ETC.
—Concluded.

Counties.	County Seats.	Circuits.	Circuit Courts.	Distr. cts.	Sum. visions.	Common Pleas Courts.
Miami.....	Troy.....	2	Apr. 17, Oct. 16..	2	2	Jan. 2, May 1, Sept. 18.
Monroe.....	Woodsfield.....	4	Mar. 28, Sept. 22	8	2	Jan. 10, Apr. 11, Sept. 12.
Montgomery..	Dayton.....	2	June 19, Dec. 4..	2	2	Jan. 9, May 1, Oct. 9.
Morgan.....	McConnellsville...	5	Apr. 18, Nov. 14.	8	1	Jan. 9, Apr. 10, Sept. 11.
Morrow.....	Mt. Gilead.....	5	May 30, Dec. 12..	6	2	Jan. 30, May 1, Oct. 2.
Muskingum....	Zanesville.....	5	Apr. 4, Nov. 8....	8	1	Jan. 9, Apr. 10, Oct. 23.
Noble.....	Caldwell.....	7	May 23, Dec. 5....	8	1	Jan. 17, Apr. 4, Sept. 20.
Ottawa.....	Port Clinton.....	6	July 5, Dec. 18....	4	1	Mar. 6, May 15, Nov. 13.
Paulding.....	Paulding.....	3	Mar. 13, Oct. 23..	3	2	Jan. 2, Apr. 3, Sept. 4.
Perry.....	New Lexington....	5	May 23, Sept. 20	7	1	Feb. 6, May 8, Nov. 13.
Pickaway.....	Circleville.....	4	May 2, Dec. 5....	5	3	Jan. 2, Apr. 3, Sept. 11.
Pike.....	Waverly.....	4	May 30, Dec. 18..	7	2	Feb. 6, Apr. 24, Oct. 9.
Portage.....	Ravenna.....	7	Apr. 18, Nov. 8....	9	2	Jan. 9, May 1, Sept. 25.
Preble.....	Eaton.....	2	May 17, Nov. 8....	2	1	Feb. 20, June 12, Sept. 11.
Putnam.....	Ottawa.....	3	Mar. 28, Oct. 31..	3	3	Jan. 23, Apr. 24, Nov. 13.
Richland.....	Mansfield.....	5	Jan. 24, Oct. 3....	6	2	Mar. 27, Sept. 11, Nov. 27.
Ross.....	Chillicothe.....	4	May 10, Dec. 11..	5	2	Jan. 9, Apr. 4, Sept. 25.
Sandusky.....	Fremont.....	6	June 26, Dec. 4....	4	1	Jan. 3, Apr. 4, Sept. 11.
Scioto.....	Portsmouth.....	4	Mar. 14, Nov. 9....	7	2	Jan. 9, Apr. 10, Sept. 11.
Seneca.....	Tiffin.....	3	May 9, Nov. 28....	10	1	Jan. 9, Apr. 10, Nov. 13.
Shelby.....	Sidney.....	2	Apr. 27, Oct. 26..	3	1	Jan. 9, Apr. 10, Sept. 25.
Stark.....	Canton.....	5	Feb. 28, Oct. 17..	9	1	Jan. 9, May 1, Sept. 11.
Summit.....	Akron.....	8	Apr. 11, Sept. 20	4	2	Jan. 9, May 1, Oct. 9.
Trumbull.....	Warren.....	7	Apr. 25, Nov. 13	9	2	Feb. 6, May 22, Oct. 16.
Tuscarawas....	New Philadelphia...	5	May 16, Dec. 5....	8	3	Jan. 3, Apr. 4, Sept. 5.
Union.....	Marysville.....	3	Feb. 21, Oct. 10..	10	3	Jan. 9, Apr. 3, Sept. 11.
Van Wert.....	Van Wert.....	3	May 1, Oct. 25....	3	1	Mar. 6, June 5, Nov. 13.
Vinton.....	McArthur.....	4	Feb. 14, Oct. 12..	7	2	Jan. 9, Apr. 4, Sept. 18.
Warren.....	Lebanon.....	1	Apr. 24, Oct. 23..	2	3	Jan. 16, May 15, Oct. 9.
Washington....	Marietta.....	4	Jan. 17, Sept. 26.	7	3	Feb. 7, May 9, Oct. 10.
Wayne.....	Wooster.....	5	Feb. 14, Oct. 10..	6	3	Feb. 27, Sept. 10, Nov. 20.
Williams.....	Bryan.....	6	June 21, Nov. 29.	3	2	Mar. 6, May 29, Nov. 6.
Wood.....	Bowling Green....	6	May 1, Oct. 16....	10	1	Feb. 13, May 15, Sept. 11.
Wyandot.....	Upper Sandusky..	3	Jan. 17, Sept. 26.	10	2	Jan. 23, May 15, Oct. 9.

STATE OF OHIO.

OFFICE OF THE SECRETARY OF STATE.

I, SAMUEL M. TAYLOR, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Circuit Courts and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1893, taken from the official lists returned by the Judges of said Courts to this office.

WITNESS my hand and official seal, this 21st day of June, A. D. 1893.

[SEAL]

SAMUEL M. TAYLOR,

Secretary of State.

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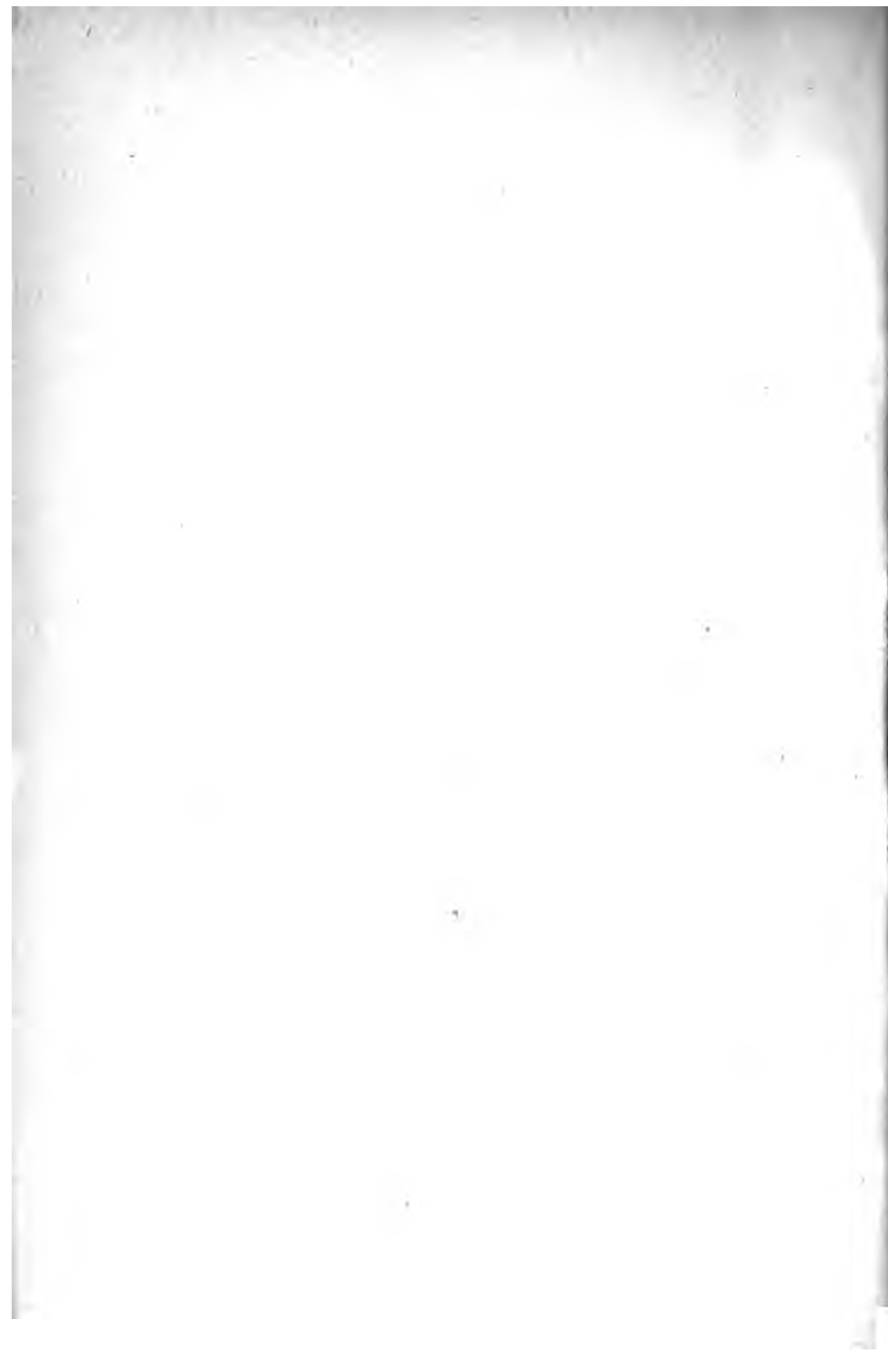
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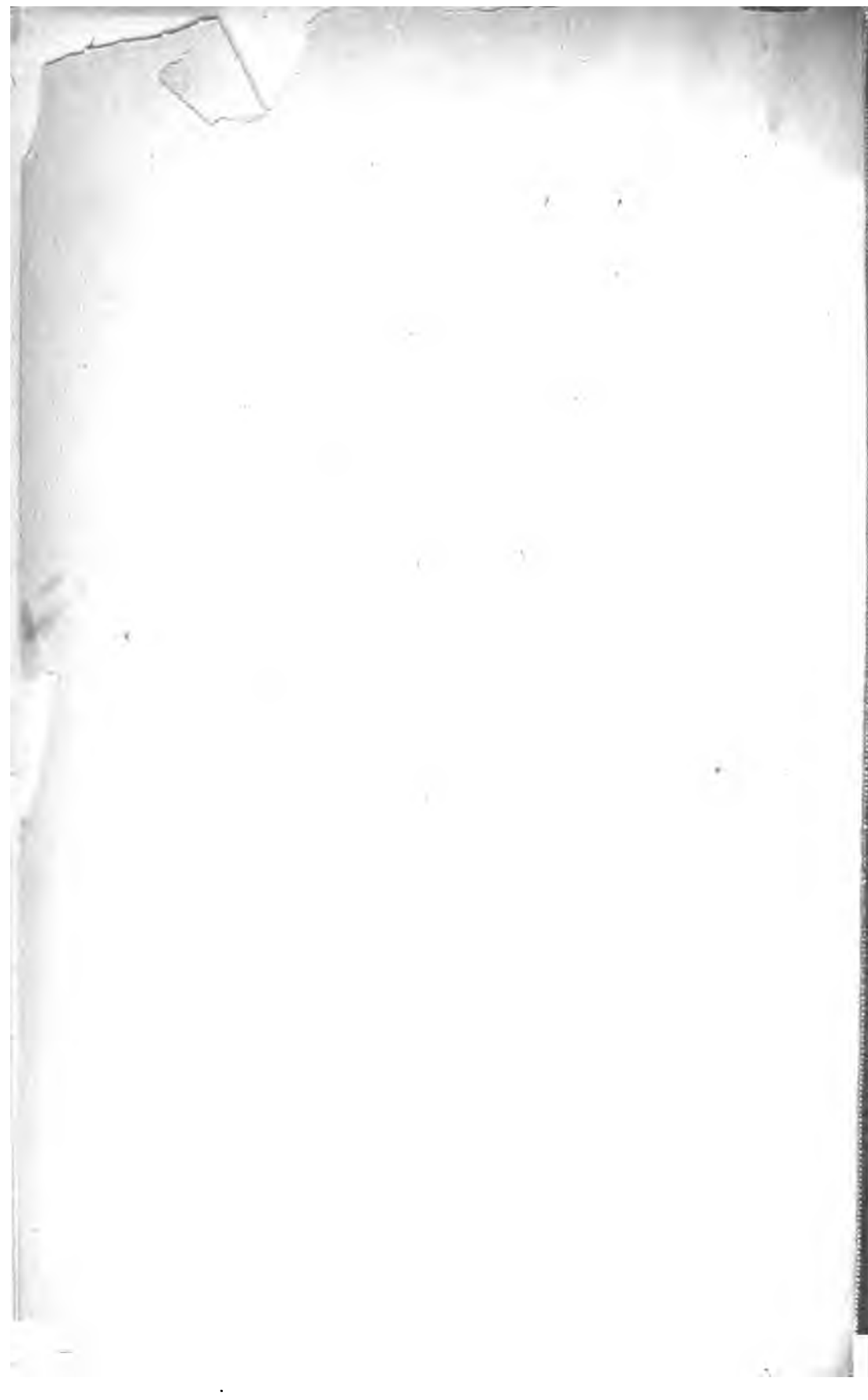
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